

From: Curtis, Taylor L. <taylor_curtis@fws.gov>
Sent: Monday, February 6, 2023 9:23 AM
To: Nick Koutoufidis
Cc: Zoutendyk, David
Subject: Piraeus Point- Draft Environmental Impact Report; MULTI-005158-2022

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Hi Nick,

We are currently still trying to track down information to use in our evaluation of this project. We would like to request an extension for a comment until Friday, February 10th.

Thank you,

Taylor Curtis
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008

(she, her, hers)

(760) 431-9440 x371
I am currently working from home and infrequently checking my office voicemail. Please email me if you'd like to schedule a phone call or meeting.

1A-1

1A United States Fish and Wildlife Service (USFWS)

1A-1

Comment Summary:

The commenter indicates that USFWS is still in the process of obtaining project information and formulating their evaluation of the project. The commenter requests that the agency be granted an extension until February 10, 2023 to provide their comments.

Response:

The City has granted the agency’s request for additional time to provide comments. Refer to USFWS Letter 1B, below, for the City’s responses to the comments received.

**United States Department of the Interior****U.S. FISH AND WILDLIFE SERVICE**

Ecological Services
 Carlsbad Fish and Wildlife Office
 2177 Salk Avenue, Suite 250
 Carlsbad, California 92008



In Reply Refer to:
 22-0052035-CEQA_SD

February 10, 2023
Sent Electronically

Nick Koutoufidis
 City Planner
 Development Services Department
 505 South Vulcan Avenue
 Encinitas, California 92024

Subject: Comments on the Draft Environmental Impact Report for Piraeus Point Project,
 City of Encinitas, San Diego County, California

Dear Nick Koutoufidis:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the Piraeus Point Project (project), in the City of Encinitas (City), California. Our comments and recommendations are based on the information provided in the DEIR and our knowledge of sensitive and declining vegetation communities in San Diego County; and our participation in the Multiple Habitat Conservation Program (MHCP) and the City's draft MHCP Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act.

The project proposes to build a 149-unit townhome community on a 6.78-acre site (including on and off site impacts) located along Piraeus Street and Plato Place in the City. The project site is bordered by existing development to the east, undeveloped land to the south and north, and Interstate 5 (I-5) to the west. The project also proposes to preserve two parcels that total 4.95 acres which are immediately north of the project site and extend towards Batiquitos Lagoon.

The main vegetation types mapped on the project site are coastal sage scrub, disturbed land, and southern mixed chaparral. The majority of the mitigation parcels is mapped as coastal sage scrub and non-native grassland, with smaller portions of non-native riparian and southern mixed chaparral. The project site and mitigation parcels are also occupied by the federally-listed as

1B-1

1B USFWS**1B-1**Comment Summary:

This comment provides a summary of the proposed project and the existing setting, including onsite biological conditions and findings of the site surveys conducted.

Response:

This comment does not raise an environmental issue of concern relative to CEQA nor question the adequacy of the EIR. Refer to subsequent comments below for additional discussion.

Nick Koutoufidis (22-0052035-CEQA_SD)

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threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) and are within designated critical habitat for the gnatcatcher.

Conservation and recovery of the gnatcatcher is largely being accomplished through the development and implementation of regional HCP planning efforts, including the MHCP. Most of the range of the gnatcatcher within southern California is covered by these efforts. Although approved regional HCPs allow for incidental take of the gnatcatcher through destruction of habitat, they also regulate and mitigate such actions. The regional HCPs conserve the gnatcatcher by creating a network of managed preserves with core habitat areas that are linked across the broader landscape.

The MHCP and City's draft SAP identify the project site and mitigation parcels as Biological Core and Linkage Area (BCLA) and Focused Planning Area (FPA) softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide an important functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.

The project proposes to impact 2.37 acres of coastal sage scrub and 1.13 acres of southern mixed chaparral (chaparral). Impacts include the establishment and maintenance of an 80-foot-wide fire management zone (FMZ) that would impact chaparral in the softline preserve on the northern end of the proposed development area.

The project proposes to mitigate impacts to coastal sage scrub at a 2:1 ratio and to chaparral at a 1:1 ratio. Mitigation will include conserving 3.14 acres of coastal sage scrub and 0.81 acres of chaparral on the mitigation parcels and project site, and conserving 1.92 acres of habitat at a site approved by the City, Service and California Department of Fish and Wildlife Service.

Our main concern is that the proposed project is not consistent with the MHCP and City's draft SAP. Per the City's draft SAP, site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA and conserve occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design to support 5 to 6 pairs of gnatcatchers. The City's draft SAP also requires new residential development located adjacent to preserve areas to be set back to incorporate brush management zones on the development pad and outside the preserve.

The DEIR states Objective 2 of the proposed project is to "provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources." We do not consider the proposed project to meet the objective of protecting surrounding natural resources consistent with the MHCP and City's draft SAP.

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1B-2

Comment Summary:

This comment notes that conservation and recovery of the California gnatcatcher is largely being accomplished through the development and implementation of regional habitat conservation plans, including the Multiple Habitat Conservation Program (MHCP).

Response:

This comment is informative purposes only and does not raise an environmental issue of concern relative to CEQA nor question the adequacy of the EIR. Refer to subsequent comments below for additional discussion.

1B-3

Comment Summary:

This comment notes that the MHCP and City's draft Subarea Plan identify the project site and proposed mitigation parcels as Biological Core and Linkage Area and Focused Planning Area softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide a functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.

Response:

This comment is informative purposes and does not raise an environmental issue of concern relative to the proposed project nor question the adequacy of the EIR. The City recognizes inclusion of the project site and proposed preserve area as part of the MHCP and Subarea Plan. Refer to subsequent comments below for additional discussion.

1B-4

Comment Summary:

This comment provides a summary of anticipated project impacts to coastal sage scrub and southern mixed chaparral and the mitigation measures identified in the EIR to reduce such impacts to less than significant.

Preface and Responses to Comments

Nick Koutoufidis (22-0052035-CEQA_SD)	2
threatened coastal California gnatcatcher (<i>Poliophtila californica californica</i> ; gnatcatcher) and are within designated critical habitat for the gnatcatcher.	1B-1 cont'd
Conservation and recovery of the gnatcatcher is largely being accomplished through the development and implementation of regional HCP planning efforts, including the MHCP. Most of the range of the gnatcatcher within southern California is covered by these efforts. Although approved regional HCPs allow for incidental take of the gnatcatcher through destruction of habitat, they also regulate and mitigate such actions. The regional HCPs conserve the gnatcatcher by creating a network of managed preserves with core habitat areas that are linked across the broader landscape.	1B-2
The MHCP and City's draft SAP identify the project site and mitigation parcels as Biological Core and Linkage Area (BCLA) and Focused Planning Area (FPA) softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide an important functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.	1B-3
The project proposes to impact 2.37 acres of coastal sage scrub and 1.13 acres of southern mixed chaparral (chaparral). Impacts include the establishment and maintenance of an 80-foot-wide fire management zone (FMZ) that would impact chaparral in the softline preserve on the northern end of the proposed development area.	1B-4
The project proposes to mitigate impacts to coastal sage scrub at a 2:1 ratio and to chaparral at a 1:1 ratio. Mitigation will include conserving 3.14 acres of coastal sage scrub and 0.81 acres of chaparral on the mitigation parcels and project site, and conserving 1.92 acres of habitat at a site approved by the City, Service and California Department of Fish and Wildlife Service.	1B-5
Our main concern is that the proposed project is not consistent with the MHCP and City's draft SAP. Per the City's draft SAP, site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA and conserve occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design to support 5 to 6 pairs of gnatcatchers. The City's draft SAP also requires new residential development located adjacent to preserve areas to be set back to incorporate brush management zones on the development pad and outside the preserve.	1B-6
The DEIR states Objective 2 of the proposed project is to "provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources." We do not consider the proposed project to meet the objective of protecting surrounding natural resources consistent with the MHCP and City's draft SAP.	

Response:

This comment is informative purposes and does not raise an environmental issue of concern relative to the proposed project nor question the adequacy of the EIR. Refer to subsequent comments below for additional discussion.

1B-5

Comment Summary:

The commenter expresses concern that the proposed project is not consistent with the MHCP and City's draft Subarea Plan and states that site-specific development in the project area is required to maximize preserve design by ensuring connectivity to adjacent open space and conserving occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design. The commenter indicates that the City's draft Subarea Plan also requires new residential development located adjacent to preserve areas to be set back to accommodate brush management zones on the development pad and outside of the preserve.

Response:

Refer also to Comment 1B-7, below. The project as proposed would limit development to the southernmost parcel, allowing the northern portion of the southern parcel and adjacent northern parcel to remain as a contiguous preserve area. The proposed preserve areas would be preserved in perpetuity in order to mitigate for biological impacts resulting from development of the project site.

The proposed preserve area would provide unlimited wildlife movement opportunities due to its connectivity to open space to the northeast and adjacency to Batiquitos Lagoon. As indicated in EIR Section 3.3, Biological Resources, the onsite and off-site-adjacent preserve areas contain vegetation structure and topography that provide unique or additional vegetative cover or shelter from adjacent areas, which are characteristic of wildlife corridor areas. The development area's value as a corridor is lower because a majority of the development area is sparse, disturbed land cover bordered by residential development to the east and disturbed habitat and a paved road (Plato Place) to the south. Diegan coastal sage

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threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) and are within designated critical habitat for the gnatcatcher.

Conservation and recovery of the gnatcatcher is largely being accomplished through the development and implementation of regional HCP planning efforts, including the MHCP. Most of the range of the gnatcatcher within southern California is covered by these efforts. Although approved regional HCPs allow for incidental take of the gnatcatcher through destruction of habitat, they also regulate and mitigate such actions. The regional HCPs conserve the gnatcatcher by creating a network of managed preserves with core habitat areas that are linked across the broader landscape.

The MHCP and City's draft SAP identify the project site and mitigation parcels as Biological Core and Linkage Area (BCLA) and Focused Planning Area (FPA) softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide an important functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.

The project proposes to impact 2.37 acres of coastal sage scrub and 1.13 acres of southern mixed chaparral (chaparral). Impacts include the establishment and maintenance of an 80-foot-wide fire management zone (FMZ) that would impact chaparral in the softline preserve on the northern end of the proposed development area.

The project proposes to mitigate impacts to coastal sage scrub at a 2:1 ratio and to chaparral at a 1:1 ratio. Mitigation will include conserving 3.14 acres of coastal sage scrub and 0.81 acres of chaparral on the mitigation parcels and project site, and conserving 1.92 acres of habitat at a site approved by the City, Service and California Department of Fish and Wildlife Service.

Our main concern is that the proposed project is not consistent with the MHCP and City's draft SAP. Per the City's draft SAP, site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA and conserve occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design to support 5 to 6 pairs of gnatcatchers. The City's draft SAP also requires new residential development located adjacent to preserve areas to be set back to incorporate brush management zones on the development pad and outside the preserve.

The DEIR states Objective 2 of the proposed project is to "provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources." We do not consider the proposed project to meet the objective of protecting surrounding natural resources consistent with the MHCP and City's draft SAP.

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scrub is located in the southern and northwestern portions of the project footprint, and within the middle and northern portions of the preserve area. The coastal sage scrub within the center of the development area provides a noncontiguous connection to the dense chaparral habitat at the north end of the development area, which transitions into the proposed preserve area. Therefore, south-north movement is established. It should also be noted that the presence of I-5 west of the project site and residential development to the east and southeast likely block east-west movement through the area. As noted in the City's Housing Element Update Environmental Assessment, the project site does not meet the criteria for a wildlife movement corridor and is not identified as such by the draft SAP.

As indicated in EIR Section 3.3, due to the location of gnatcatcher habitat on the southern parcel, impacts to the species and its habitat would be required in order to allow development to occur; refer also to EIR Figure 3.2-2, Vegetation Communities and Land Cover Types. Without allowing for some impacts to occur, the residential unit yield onsite needed for consistency with the City's Housing Element could not be achieved. Mitigation measures are therefore identified in the EIR to reduce project impacts to California gnatcatcher to less than significant. The project would impact the habitat of two pairs (4 individuals), and as a result the applicant is required to obtain USFWS approval pursuant to Section 10 of the federal Endangered Species Act for impacts to California gnatcatcher through the preparation of a Low-Effect Habitat Conservation Plan prior to the issuance of any grading permits. Refer also to Response 1B-7, below, for additional considerations.

The City's draft Subarea Plan (SAP) has not been formally adopted, and the Wildlife Agencies (USFWS, CDFW) have previously approved proposals to achieve mitigation requirements through the purchase of offsite mitigation credits. Off-site mitigation was allowable to both USFWS and CDFW for the 2014 Daskalakis Parcel Map project (Case No. 14007) which proposed to mitigate for impacts to biological resources of 0.1-acres of coastal sage scrub, 0.4 acres of non-native grassland, and 27 individuals of Nuttall's scrub oak. In a letter dated September 29, 2014, USFWS and CDFW indicated approval of off-site mitigation to occur at the Whelan mitigation and Manchester mitigation banks. In addition, off-site

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threatened coastal California gnatcatcher (<i>Poliophtila californica californica</i> ; gnatcatcher) and are within designated critical habitat for the gnatcatcher.		1B-1 cont'd
Conservation and recovery of the gnatcatcher is largely being accomplished through the development and implementation of regional HCP planning efforts, including the MHCP. Most of the range of the gnatcatcher within southern California is covered by these efforts. Although approved regional HCPs allow for incidental take of the gnatcatcher through destruction of habitat, they also regulate and mitigate such actions. The regional HCPs conserve the gnatcatcher by creating a network of managed preserves with core habitat areas that are linked across the broader landscape.		1B-2
The MHCP and City's draft SAP identify the project site and mitigation parcels as Biological Core and Linkage Area (BCLA) and Focused Planning Area (FPA) softline preserve in the La Costa Parcels of the Encinitas North section of the City. Conservation of the La Costa parcels will provide an important functional linkage and movement corridor with existing hardlined conservation areas at Batiquitos Lagoon in the City of Carlsbad.		1B-3
The project proposes to impact 2.37 acres of coastal sage scrub and 1.13 acres of southern mixed chaparral (chaparral). Impacts include the establishment and maintenance of an 80-foot-wide fire management zone (FMZ) that would impact chaparral in the softline preserve on the northern end of the proposed development area.		1B-4
The project proposes to mitigate impacts to coastal sage scrub at a 2:1 ratio and to chaparral at a 1:1 ratio. Mitigation will include conserving 3.14 acres of coastal sage scrub and 0.81 acres of chaparral on the mitigation parcels and project site, and conserving 1.92 acres of habitat at a site approved by the City, Service and California Department of Fish and Wildlife Service.		
Our main concern is that the proposed project is not consistent with the MHCP and City's draft SAP. Per the City's draft SAP, site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA and conserve occupied gnatcatcher habitat. In addition, all mitigation requirements must be met onsite to ensure a viable preserve design to support 5 to 6 pairs of gnatcatchers. The City's draft SAP also requires new residential development located adjacent to preserve areas to be set back to incorporate brush management zones on the development pad and outside the preserve.		1B-5
The DEIR states Objective 2 of the proposed project is to "provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources." We do not consider the proposed project to meet the objective of protecting surrounding natural resources consistent with the MHCP and City's draft SAP.		1B-6

mitigation was allowable to USFWS and CDFW for the 2017 Berryman Canyon and Ames Tentative Parcel Map project (Case No. 14-256) which proposed to mitigate for impacts to biological resources of 0.73-acres of Diegan coastal sage scrub and 0.10 acres of southern maritime chaparral. In 2017, both USFWS and CDFW approved of proposed mitigation for 0.16 acres of Diegan coastal sage scrub and 0.3 acres of southern maritime chaparral to occur offsite through purchase at the Carlsbad Oaks Conservation Bank. The USFWS and CDFW approved of the remaining 1.3 acres of Diegan coastal sage scrub required for mitigation to be purchased at the Buena Creek Conservation Bank.

Refer to Response 1B-7, below regarding the commenter's statement that conformance with the draft Subarea Plan requires residential development located adjacent to preserve areas to be set back to accommodate brush management zones on the development pad and outside of the preserve (which would render the project infeasible).

1B-6

Comment Summary:

The commenter states that one of the project objectives is to "provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources." The commenter indicates that the USFWS does not believe the proposed project meets this objective in protecting surrounding natural resources consistent with the MHCP and City's draft Subarea Plan.

Response:

Refer to Response 1B-5, above. Refer also to Response 1B-7, below, for additional discussion on project consistency with the stated project objective.

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Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City's draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt's spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that "there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys." In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

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Comment Summary:

Based on the issues raised in Comment 1B-6, above, the commenter recommends that the Final EIR include an additional project alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the required fuel modification zone. The commenter suggests this could be achieved by reducing the brush management zone and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels.

Response:

The Final EIR has been revised to consider the project alternative requested by the commenter; refer to Section 5.5, Alternatives Considered and Rejected. As indicated in Section 5.5 of the FEIR, USFWS Alternative 1 - Reduced Project Footprint/Revised Brush Management Zone Alternative was formulated to eliminate construction of the two northernmost structures proposed with the project, thereby eliminating the need for the required brush management zone to extend northward into sensitive onsite habitat. In reference to the Project's Fire Protection Plan, the estimated flame length, which is defined as the distance between the flame tip and the midpoint of the flame depth at the base of the flame, for untreated vegetation is 52.4 feet. Due to this flame length, it is infeasible to reduce the Fuel Modification Zone below 100 feet in order to ensure public safety. In removing the two northernmost structures from the proposed development, this alternative would provide for construction of 26 fewer multi-family residential townhome units (or 123 units total), as compared to the 149 multi-family residential units proposed with the project. As the overall number of proposed residential units would be reduced, the number of "very low" income affordable units would be reduced to 12 units (as compared to 15 very low income affordable units with the proposed project).

As a result, potential impacts to sensitive southern mixed chaparral habitat from brush management activities would be avoided, thereby reducing overall impacts to biological resources as compared to the project. Mitigation for remaining impacts to southern mixed chaparral

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Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City's draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt's spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that "there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys." In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

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would be achieved through restoration of coastal sage scrub in the non-native grassland and non-native riparian areas in the preserve area. Impacts to other sensitive habitats with this alternative would remain the same as those identified for the proposed project. This alternative would retain the proposed offsite preserve area to the north and would offer the same onsite amenities as the project.

By reducing the number of residential units, this alternative would not provide the minimum 134 residential housing units¹ mandated in the City's General Plan Housing Element. Accordingly, this alternative would not meet this primary project objective. This alternative was therefore considered at the request of the commenter, but rejected due to its inability to meet key objectives and the project's underlying fundamental purpose as identified for the proposed project (and by the City in meeting State-mandated housing goals).

1B-8

Comment Summary:

The commenter requests that the Final EIR consider a second project alternative that would conserve all occupied gnatcatcher habitat, in addition to reducing impacts (on the species), to allow all required mitigation to occur onsite in order to ensure a viable preserve design.

Response:

The EIR has been revised to consider the project alternative requested by the commenter; refer to Section 5.5, Alternatives Considered and Rejected. As indicated in Section 5.5 of the FEIR, USFWS Alternative 2 - Reduced Biological Impacts Alternative was formulated to substantially reduce proposed residential development on the project site with the intent of avoiding significant impacts to occupied California gnatcatcher habitat (Diegan coastal sage scrub). This alternative would allow all required mitigation to occur onsite to ensure a viable preserve design in the affected areas.

In order to achieve avoidance of the occupied California gnatcatcher habitat in the central portion of the property, the remaining land area

¹ Project site = 5.36 net acres. Per the General Plan Housing Element Update, the project site has a 25 dwelling units/acre minimum. 5.36 net acres (project site) x 25 dwelling units/acre = 134 minimum unit yield required.

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Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City's draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt's spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that "there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys." In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

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available for development would only allow for an estimated 105 multi-family residential units, thereby reducing the total number of available housing units by 44 as compared to the proposed project (149 multi-family units). As the overall number of proposed residential units would be reduced, the number of very low income affordable units would be reduced to 11 units (as compared to 15 very low income affordable units with the proposed project). Additionally, to avoid this habitat in the middle of the project site would require that a building be placed to the southernmost portion of the site and have a 100-foot fuel modification zone. This would likely cause an infeasible project that would not meet the minimum density required. This alternative would retain the proposed offsite preserve area to the north and would offer the same onsite amenities as the project.

Due to site constraints resulting with the avoidance of occupied gnatcatcher habitat, this alternative would reduce the number of proposed residential units. Therefore, this alternative would not achieve the minimum 134 residential housing units mandated for the site in the City's General Plan Housing Element.² This alternative was considered at the request of the commenter, but rejected due to its inability to meet key project objectives as identified for the proposed project (and by the City in meeting State-mandated housing goals).

1B-9

Comment Summary:

The commenter requests that the suggested project alternatives be discussed in the FEIR relative to why they are infeasible with regard to Project Objective 2 which states the intent to "provide at least the minimum number of multi-family dwelling units and housing opportunities that are consistent with the goals of the adopted City of Encinitas Housing Element while protecting surrounding natural and aesthetic resources." Such discussion is provided above and in Final EIR Section 5.5, Alternatives Considered and Rejected.

² Ibid.

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Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City's draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt's spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that "there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys." In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

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Response:

Refer to Responses 1B-7 and 1B-8, above. Refer also to Section 5.5, Alternatives Considered but Rejected, of the Final EIR for associated text changes to the document, made in response to the comments received.

1B-10

Comment Summary:

The commenter questions whether the mapping of southern mixed chaparral on- and offsite is accurate and refers to a prior study of the property which instead identifies the habitat as southern maritime chaparral. The commenter indicates that the mitigation ratios for such habitats differs and that, if the project cannot be redesigned to avoid all impacts to chaparral, that the site be resurveyed to confirm the vegetation mapping in such area.

Response:

Southern maritime chaparral is typically dominated by wart-stemmed ceanothus (*Ceanothus verrucosus*) and although two specimens were found during the surveys, they could not lend dominance or sub-dominance to the vegetation community. When using the classification crosswalk from Appendix C of Vegetation Classification Manual for Western San Diego County (Sproul et al. 2011) to convert Oberbauer classifications to A Manual of California Vegetation (MCV; Sawyer et al. 2009), the *Adenostoma fasciculatum* - *Xylococcus bicolor* Alliance that was found to be present on the site is directly translated to southern mixed chaparral and would only convert to southern maritime chaparral if it had some type of dominance of wart-stemmed ceanothus. The previous 2017 report referred to mentions the dominants within the "southern maritime chaparral;" however it does not list wart-stemmed ceanothus as a dominant or even a species that was observed during the surveys. Therefore, southern mixed chaparral is a much more accurate description of the vegetation community on the project site. No change to the EIR discussion or findings is required based upon the comments provided.

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Therefore, we recommend that the Final Environmental Impact Report (FEIR) include two additional alternatives as follows:

1. An alternative that reduces impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ. This could be done by reducing the FMZ and/or grading at the northern end of the project site and restoring coastal sage scrub in the non-native grassland and non-native riparian areas on the mitigation parcels. It is unclear whether Alternative 2: Reduced Development Footprint Alternative included in the DEIR would reduce impacts to allow all required mitigation to occur onsite and avoid chaparral impacts in the softline preserve from the FMZ.
2. Another alternative that conserves all occupied gnatcatcher habitat in addition to reducing impacts to allow all required mitigation to occur onsite to ensure a viable preserve design in this area.

The FEIR should also discuss why these alternatives are not feasible especially in light of Objective 2 in the DEIR.

Our second concern is the mapping of southern mixed chaparral on the project site and mitigation parcels in areas that were mapped as southern maritime chaparral in a previous survey (attached). The MHCP and City's draft SAP requires 3:1 mitigation for impacts to southern maritime chaparral which is higher than the 1:1 mitigation ratio for southern mixed chaparral assumed for this project. Therefore, if the project cannot be redesigned to avoid all impacts to chaparral, we recommend that a site visit be done to review vegetation mapping in this area.

We are also concerned about the adequacy of the rare plant surveys for the project. The rare plant survey report for the project lists 56 rare plants that have the potential to occur on the project site and mitigation lands, including the federally listed San Diego thorn-mint (*Acanthomintha ilicifolia*; Potential: High), Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *Crassifolia*; Potential: High), Encinitas Baccharis (*Baccharis vanessae*; Potential: Moderate), and Orcutt's spineflower (*Chorizanthe orcuttiana*; Potential: Moderate). The report states the surveys were done during a below average rainfall year and that "there is a possibility that additional rare plant species are present within the Survey Area but were either dormant or were unable to germinate, and therefore would not be detectable by the surveyors at the time of the surveys." In addition, reference sites for only 2 of the potential 56 rare plants were checked as part of the surveys. Therefore, we recommend updated surveys be done this year that at a minimum include reference sites for each federally listed species with moderate or high potential to occur at the project site and mitigation parcels.

We also recommend additional conservation measures be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat (attached).

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Comment Summary:

The commenter expresses concern as to the adequacy of the rare plant surveys conducted for the project as the surveys were conducted during a below average rainfall year and therefore, the potential for additional rare plant species to be present within the survey area does exist. In addition, reference sites for only two of the potential rare plants were reviewed as part of the surveys. The commenter recommends updated surveys be conducted that include reference sites for each federally listed species with moderate or high potential to occur onsite and on the proposed offsite mitigation parcel.

Response:

Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*) and Encinitas Baccharis (*Baccharis vanessae*) are both perennial species and would have been observed regardless of the amount of rain the site received that year (reference population of Encinitas baccharis was positive and in the same region). Orcutt's spineflower and San Diego thornmint are annual species so they would directly be affected by the rainfall; however, remnants of those species (i.e., skeletons) from previous seasons would most likely be present as well, and the surveyors that conducted the surveys have experience with those particular species and know how to recognize them. No change to the EIR discussion or findings is required at this time, based upon the comments provided.

1B-12

Comment Summary:

The commenter recommends additional measures be added to the project to avoid, minimize, or mitigate potential impacts to gnatcatcher and its associated habitat.

Response:

Refer to Response 1B-14, below. The City has considered the suggested "conservation measures" identified by the commenter. Refer to the Executive Summary and Section 3.3, Biological Resources, of the FEIR for

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We appreciate the opportunity to comment on this DEIR. If you have any questions regarding our comments, please contact Taylor Curtis¹ at 760-431-9440, extension 371.

1B-13

Sincerely,

DAVID
ZOUTENDYK
for Jonathan D. Snyder
Assistant Field Supervisor

Digitally signed by
DAVID ZOUTENDYK
Date: 2023.02.10
11:32:20 -08'00'

Appendix
Enclosure

revisions made to the proposed mitigation measures intended to reduce potential effects on California gnatcatcher and its critical habitat.

1B-13

Comment Summary:

This comment is in summary and provides the commenter's contact information.

Response:

This comment is in summary and does not pertain to CEQA-related issues. The information provided is noted for the record.

¹ Taylor_Curtis@fws.gov

APPENDIX

Additional conservation measures (CM) recommended to be added to the project to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its critical habitat:

- CM 1. Project construction will occur during daylight hours.
- CM 2. The Applicant will temporarily fence (including downslope silt barriers) the limits of project impacts (including construction staging areas and access routes) and install other appropriate sediment trapping devices to prevent additional impacts to gnatcatcher habitat and the spread of silt from the construction zone into habitat to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitat to be avoided. The Applicant will submit to the Service for approval, at least 5 working days prior to initiating project impacts, the final plans for initial vegetation clearing and project construction. These final plans will include photographs that show the fenced limits of impact, sediment trapping devices and all areas to be avoided. If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the Service. Temporary construction fencing and sediment trapping devices will be removed upon project completion.
- CM 3. All vegetation clearing (including in the fuel modification zones if applicable) and project construction in or within 500 feet of gnatcatcher habitat will occur from September 1 (or sooner if an Service-approved project biologist² demonstrates to the satisfaction of the Service that all nesting is complete) to February 14 to avoid the gnatcatcher breeding season. If project construction (other than vegetation clearing) cannot be restricted to outside of the gnatcatcher breeding season, CM 4, CM 5b, and CM 5c will be followed.
- CM 4. Construction noise levels at the edge of occupied gnatcatcher habitat will not exceed an hourly limit of 60 decibel (dBA) Leq or ambient level (whichever is greater).
- CM 5. The project biologist will be on site during: (a) initial vegetation clearing (including in the fuel modification zones if applicable); and (b) project construction within 500 feet of gnatcatcher habitat to be avoided to ensure compliance with all CMs. The contract of the project biologist will allow direct communication with the Service at any time regarding the proposed project. The project biologist will be provided with a copy of these CMs. The project biologist will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor

² The designated project biologist for conservation measures CM 4, CM 6 and CM 71 will be a trained ornithologist with at least 40 hours in the field observing gnatcatchers and documented experience locating and monitoring gnatcatcher nests. In order to receive Service approval, the biologist's name, address, telephone number, and work schedule on the project must be submitted to the Service at least 5 working days prior to initiating project impacts.

1B-14

1B-14

Comment Summary:

This comment provides suggested “conservation measures” to be added to the project to “avoid, minimize, and mitigate” potential impacts on the California gnatcatcher and its critical habitat.

Response:

The “conservation measures” identified have been considered by the City, and suggested language, as appropriate, has been incorporated into the mitigation measures identified in the Final EIR. Refer to the Executive Summary and Section 3.3, Biological Resources, of the FEIR for revisions made to the proposed mitigation measures in response to the comments provided.

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ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. The project biologist will perform the following duties:

- a. For vegetation clearing (including in the fuel modification zones if applicable) outside the gnatcatcher breeding season, perform a minimum of three focused preconstruction surveys—on separate days—to determine the presence of gnatcatchers in the project impact footprint. Surveys will begin a maximum of 30 days prior to performing vegetation clearing, and one survey will be conducted the day immediately prior to the initiation of vegetation clearing. If any gnatcatchers are found in the project impact footprint, the project biologist will direct workers to begin initial vegetation clearing in an area away from gnatcatchers. In addition, the project biologist will passively flush birds toward areas of appropriate vegetation that is to be avoided. It will be the responsibility of the project biologist to ensure gnatcatchers will not be injured or killed by initial vegetation clearing/grubbing. The project biologist will record the number and map the location of gnatcatchers disturbed by initial vegetation clearing/grubbing or construction and report these numbers and locations to the Service with 24 hours.
- b. If construction within 500 feet of coastal sage scrub is necessary during gnatcatcher breeding season, perform a minimum of three focused surveys, on separate days, to determine the presence of gnatcatcher nest building activities, egg incubation activities, or brood rearing activities within 500 feet of construction. The surveys will begin a maximum of 7 days prior to project construction and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project construction in the gnatcatcher breeding seasons. These additional surveys may be suspended as approved by the Service. The Applicant will notify the Service at least 7 days prior to the initiation of surveys and within 24 hours of locating any gnatcatchers.
- c. If an active gnatcatcher nest is found within 500 feet of project construction, the project biologist will initiate nest monitoring and postpone work within 500 feet of the nest, then contact the Service to discuss: (i) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls, noise monitoring); and (ii) a nest monitoring program acceptable to the Service. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest monitoring will occur according to a schedule approved by the Service. The project biologist will determine whether bird activity is being disrupted. If the project biologist determines that bird activity is being disrupted, the Applicant will stop work and

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- coordinate with the Service to review the avoidance/minimization approach. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring will continue until fledglings have dispersed, as approved by the Service.
- d. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately.
 - e. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
 - f. Train all contractors and construction personnel a maximum of 14 days prior to project construction on the biological resources associated with the projects and ensure that training is implemented by construction personnel. At a minimum, training will include: (i) the purpose for resource protection; (ii) a description of the gnatcatcher and its habitat; (iii) the CMs given that should be implemented during project construction to conserve the sensitive resource, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (iv) best management practices in CM 16; (v) the protocol to resolve conflicts that may arise at any time during the construction process; and (vi) the general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with noncompliance with the Act.
 - g. Halt work, if necessary, and confer with the Service to ensure the proper implementation of species and habitat protection measures. The project biologist will report any noncompliance issue to the Service within 24 hours of its occurrence.
 - h. Submit bi-weekly letter reports (including photographs of impact areas) via regular mail or email to the Service during clearing of gnatcatcher habitat and/or project construction within 500 feet of avoided habitat. The weekly reports will document that authorized impacts were not exceeded and general compliance with all conditions. The reports will also outline the duration of gnatcatcher monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers, locations, and sex of gnatcatchers (if present);

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observed gnatcatcher behavior (especially in relation to construction activities); and remedial measures employed to avoid, minimize, and mitigate impacts to gnatcatchers. Raw field notes should be available upon request by the Service.

- i. Submit a final report to the Service within 60 days of project completion that includes: (i) as-built construction drawings with an overlay of habitat that was impacted and avoided; (ii) photographs of habitat areas that were to be avoided; and (iii) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conditions of this biological opinion was achieved.

CM 6. If applicable, the Applicant will submit a final coastal sage scrub restoration and enhancement plan to the Service for approval within 30 days of initiating project impacts. These plans will be approved by the Service before the onset of project impacts. In addition to the information contained in the mitigation plan, the final plans will include the following information and conditions:

- a. All final specifications and topographic-based grading, planting, and irrigation plans (10-foot contours for uplands) for the restoration and enhancement site. The upland habitat restoration site will be prepared for planting by decompacting the topsoil in a way that mimics natural upland habitat topsoil to the maximum extent practicable while maintaining slope stability. Any salvaged topsoil will be redistributed upon completion of decompaction. Salvaged soil is not recommended in areas that have a high component of non-native species (i.e., disturbed habitat). If possible, seed collection will occur within impacted areas prior to vegetation clearing. These seeds will be used as a seed source for the restoration and enhancement areas to the maximum extent practicable. Planting and irrigation will not be installed until the Service have approved of the restoration site grading and preparation. All plantings will be installed in a way that mimics natural plant distribution, and not in rows.
- b. Native plants occurring within restoration/enhancement areas will be flagged and enhanced separately from surrounding restoration areas.
- c. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). Unless otherwise approved by the Service, only locally native species (no cultivars) obtained within San Diego County available from as close to the project area as possible will be used. The source and proof of local origin of all plant material and seed will be provided.

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- d. Container plant survival will be 100 percent of the initial plantings for the duration of the plant establishment period (PEP). All dead plants documented within the PEP will be replaced.
- e. A final implementation schedule that indicates when all habitat impacts, as well as habitat restoration and enhancement grading, planting and/or irrigation will begin and end. Necessary site preparation and planting will be completed per the Service approved mitigation plan after receiving the Service' approval of grading. Any temporal loss of native habitat caused by delays in restoration or enhancement will be offset through in-kind creation, restoration, and/or enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the Applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project Applicant, including but not limited to natural disasters (e.g., earthquakes etc.), labor disputes, sudden actions of the elements (e.g., further landslide activity), or actions by Federal or State agencies, or other governments, the project Applicant will be excused by such unforeseeable cause(s).
- f. Five years of success criteria for coastal sage scrub restoration and enhancement areas including: a total of 40 to 65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species.
- g. A minimum 5 years of maintenance and monitoring of habitat restoration and enhancement areas, unless success criteria are met earlier and all artificial water supply has been off for at least 2 years.
- h. A qualitative and quantitative monitoring plan with a map of proposed sampling locations. Photo points will be used for qualitative monitoring and a stratified-random sampling design will be used for all quantitative monitoring. Monitoring will include protocol surveys for gnatcatcher.
- i. Contingency measures in the event of habitat restoration or enhancement failure.
- j. Annual maintenance and monitoring reports will be submitted to the Service no later than December 1 of each year.
- k. If maintenance of coastal sage scrub restoration or enhancement areas is necessary between February 15 and August 31, a biologist with knowledge

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of the biology and ecology of gnatcatchers and approved by the Service will survey for gnatcatchers within the restoration and enhancement areas, access paths to them, and other areas susceptible to disturbances by site maintenance. Surveys will consist of three visits separated by 2 weeks starting February 15 of each maintenance/monitoring year.

CM 7. If applicable, the Applicant will post a performance bond or letter of credit with the Service for the cost of restoration and enhancement implementation (grading, planting, irrigation and mitigation and monitoring plan preparation), 5 years of maintenance and monitoring, offsite land acquisition, and the endowment amount to manage the coastal sage scrub restoration and enhancement areas in-perpetuity (including a 20 percent contingency to be added to the total cost). This financial assurance is to guarantee the successful implementation of the coastal sage scrub restoration and enhancement. The Applicant will submit a draft financial assurance instrument with an itemized cost list to the Service for approval at least 60 days prior to initiating project impacts. The Applicant will submit the final bond or letter of credit for the amount approved by the Service within 30 days of receiving Agency approval of the draft financial insurance instrument.

CM 8. The Applicant will execute and record a perpetual biological conservation easement over the preserve. The easement will be in favor of the City or other agent approved by the Service. The Service will be named as a third-party beneficiary and provided enforceability that requires concurrence by the Service for any modifications to the easement. The easement will be approved by the Service prior to its execution. Because the size of the onsite preserve is relatively small and in order to minimize potential disturbance to nesting gnatcatcher, no trails will be allowed in the easement area. The Applicant will submit a draft easement to the Service for review and approval at least 30 days prior to initiating project construction. The Applicant will submit the final easement, and evidence of recordation, to the Service within 60 days of receiving approval of the draft easement.

CM 9. The Applicant will prepare and implement a perpetual management, maintenance, and monitoring plan for the preserve. The Applicant will also establish a non-wasting endowment or other financial instrument in a form and an amount approved by the Service based on a Property Analysis Record (PAR) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance, and monitoring of the onsite preserve by an agency, non-profit organization, or other entity approved by the Service. The non-wasting endowment or other financial instrument will be held by a non-profit conservation entity approved by the Service. The Applicant will submit a draft plan including: (a) a description of perpetual management, maintenance, and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment or other financial

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instrument; and (b) the anticipated land manager's name, qualifications, business address, and contact information, to the Service at least 30 days prior to initiating project impacts. The Applicant will submit the final plan to the Service and a contract with the approved land manager within 60 days of receiving approval of the draft plan and documentation that the funds for the non-wasting endowment have been transferred to a non-profit conservation entity approved by the Service within 30 days of the Service' concurrence that the onsite coastal sage scrub restoration, and/or enhancement has met all success criteria.

CM 10. If applicable, signs and markers will be provided in appropriate areas at the interface of the fuel modification zone and onsite preserve. The plans for the signs and markers will be reviewed and approved by the Service prior to the initiation of project construction.

CM 11. The Applicant will install permanent fencing and signs along the interface of development and the onsite preserve to deter human and pet entrance into the preserve. Fencing should have no gates (except to allow access for maintenance and monitoring of the preserve). Fencing will be designed to prevent intrusion by humans and pets, especially cats (i.e., poured or buried footing, fencing extending to the footing, no gaps greater than 3 inches, wrought iron, or solid fencing of 6 feet or greater height, with top pickets, or rounded top rail less than 1 inch wide). Signs will be posted and maintained at conspicuous locations. Plans for fencing and signs will be submitted to the Service for approval at least 45 days prior to proposed initiation of fence construction. Fencing and signs will be installed prior to occupancy of any residential units in the completed phases adjacent to habitat areas.

CM 12. The Applicant will develop a resident education program in coordination with the Service. The program will advise residents of the potential impacts to the gnatcatcher and the potential penalties for killing, injuring, or harming federally listed species. The program will include, but not be limited to, information pamphlets and signage of the fencing between the development and the onsite preserve. Pamphlets will be distributed to all residences. At a minimum, the program will include the following topics: occurrence of the gnatcatcher in the area; general ecology of the gnatcatcher and its sensitivity to human activities; legal protection afforded the gnatcatcher under the Act and penalties for noncompliance with the Act; how to prevent the spreading of nonnative ants and other insect pests from developed areas into the onsite preserve; impacts from free-roaming pets (particularly cats); and project features designed to reduce the impacts to the gnatcatcher and promote continued successful occupation of the onsite preserve. The Applicant will submit the program to the Service at least 30 days prior to initiating project impacts. The applicant will submit to the Service the final program within 60 days of receiving approval of the draft program.

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- CM 13. All permanent lighting for the project adjacent to the onsite preserve will be selectively placed, shielded, and directed away from the onsite preserve. In addition, lighting from homes abutting the preserve will be screened with vegetation, and large, spotlight-type lighting will be prohibited. The Applicant will submit a draft lighting plan to the Service within 60 days of initiating project impacts. The Applicant will submit to the Service the final lighting plan within 30 days of receiving approval of the draft plan.
- CM 14. The Applicant will ensure that project landscaping does not include nonnative plant species that may be invasive to native habitats. Nonnative plant species excluded are any species listed on the Cal-IPC's "Invasive Plant Inventory" List. A copy of the complete list can be obtained from [Cal-IPC's website](#). In addition, landscaping will not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas, and water runoff from landscaped areas will be directed away from the biological conservation easement area and contained and/or treated within the identified stormwater management facilities in project plans. The Applicant will submit a draft list of species to be included in the landscaping to the Service at least 45 working days prior to initiating project landscaping and will allow the CFWO an opportunity to verify that no Cal-IPC invasive plants are proposed for use. The Applicant will submit to the Service the final list of species to be included in the landscaping within 30 days of receiving concurrence on the draft list of species, if any changes are necessary. A list of prohibited invasive species will also be provided in the Homeowner Association's Covenants, Conditions and Restrictions to the satisfaction of the Service.
- CM 15. Any planting stock to be brought onto the project site for landscaping or habitat creation, restoration, and enhancement will be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Linepithema humile*), fire ants (*Solenopsis invicta*), and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Service that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The Applicant will ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation, restoration, and enhancement.

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- CM 16.
- The Applicant will ensure that the following best management practices are implemented during project construction in order to minimize potential impacts to the gnatcatcher and its critical habitat:
- a.

Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.
- b.

To avoid attracting predators of the gnatcatcher, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site.
- c.

Pets of project personnel will not be allowed on the project site.
- d.

Disposal or temporary placement of excess fill, brush or other debris will not be allowed in waters of the United States or their banks.
- e.

All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities will occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States and will be shown on the construction plans. Fueling of equipment will take place within areas greater than 100 feet from waters of the United States. Contractor equipment will be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" will be designated on construction plans.
- f.

Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.

1B-14
cont'd

ENCLOSURE

VINCENT N. SCHEIDT
Biological Consultant

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-336-7106 cell • email: vince.scheidt@gmail.com

Memorandum

From: Vince Scheidt, Biological Consultant

Date: May 9, 2017

**RE: Preliminary Biological Resources Assessment – the Cannon Property at Piraeus Street, Encinitas**

Per your request, we have completed a Preliminary Biological Reconnaissance Assessment of a proposed 11.9-acre residential development property (APNs 254-144-01 & 216-010-35) located east of Piraeus Street and north of Plato Place in the City of Encinitas. As you know, any proposed development scenario for this property would be subject to environmental review, including a review of biological features of the site. The purpose of this preliminary reconnaissance was to assess existing site conditions, focusing on sensitive habitats, sensitive species, wetlands, etc. as they could constitute constraints to site development. A second purpose was to identify any potential follow-up studies and mitigation scenarios, as applicable. and a final purpose was to provide a defensible approach to accomplish one of the developer's goals of offsetting development impacts by establishing appropriate open space in the most sensitive areas.

In order to assess site conditions, we completed a site reconnaissance inspection of the property on April 28, 2017. The entire property was examined, and all species and habitats were identified as they were encountered.

The property supports three overlapping plant communities or habitats: Southern Maritime Chaparral (SMC), Diegan Coastal Sage Scrub (CSS), and Fallow Agriculture/Disturbed (FA). The majority of the CSS and SMC onsite is in a mostly natural state and contains a mixture of native and non-native species. The FA on the property is starting to recruit with native shrubs in some areas, and this habitat will eventually regrow as either successional CSS or SMC if left unmanaged and allowed to regenerate any further. However, at this time, these native shrubs are mostly widely-spaced and do not currently qualify as additional areas of CSS or SMC habitat.

One sensitive plant species was detected during the preliminary survey of the subject site. This was California Adolphia (*Adolphia californica*), a low, spiny shrub. Additional sensitive plant species are known from the area, such as White Coast Ceanothus (*Ceanothus verrucosus*), Torrey Pine (*Pinus torreyana*), Ashy Spike-moss (*Selaginella cinerascens*), and others. These may be present in less accessible the property. One sensitive animal species was also observed during the survey. This is California Gnatcatcher (*Poliophtila californica*), a federally listed Threatened Species. Two specimens were detected moving about the CSS on the property.

As part of the site evaluation, the presence of wetlands or "waters" was briefly examined. The south west corner of the property may be subject to inundation during heavy rainfall events. This area contains a drainage basin that likely collects sheet flow from the property. However, the preliminary study showed no clear evidence of the area supporting wetlands or "waters". The northern, steep area of the site also contains an arroyo that might contain drainage features with wetlands or waters. However, this area is essentially undevelopable and I understand that you would avoid it by design, regardless.

The subject property supports three plant communities, two of which are considered sensitive. It also supports at least two sensitive species, one of which is a federally listed Threatened Species. The presence of

1B-15Comment Summary:

This comment refers to a Preliminary Biological Resources Assessment prepared in 2017 for the subject site by Vincent Scheidt. This letter is referred to in Comment 1B-11, above, and provides the basis for the commenter's concern pertaining to differences in the classification of habitat observed during the 2017 site reconnaissance survey (Scheidt) versus the 2022 survey conducted by ECORP Consulting, Inc. for the proposed project (see also EIR Appendix D, Biological Technical Report).

Response:

Refer to Response 1B-11, above. No change to the EIR discussion or findings is required based on this comment.

1B-15

these resources will likely constrain full site development, and mitigation will need to be developed to allow site grading and construction in the future.

This property was mapped during preparation of the Multiple Habitat Conservation Program (MHCP), a Subregional plan focused on seven northern San Diego County cities, including the City of Encinitas. This plan was approved in 2003 and has been implemented as a guiding document for local planning. The property is located within the City of Encinitas "La Costa Softline Focused Planning Area" (FPA). This means that proposed development will be subject to greater scrutiny than projects located outside of the FPA. The City of Encinitas has not finished or implemented a Subarea Plan under the MHCP.

In order to mitigate direct and indirect effects associated with grading and construction, you should anticipate the following:

- You will need a baseline Biological Resources Technical Report, including a protocol California Gnatcatcher survey, a species inventory and precise vegetation exhibit. We are attaching a rough map showing the approximate limits of each habitat.
- You will need incidental "take" authorization for impacts to California Gnatcatcher. The City of Encinitas should be able to assist with the securement of this authorization. We expect that you will need to process a "low-effect" HCP for the project.
- You may need a Coastal Development Permit from the California Coastal Commission.
- You will need to design a development project that provides mitigation for impacts to SMC and CSS. The required mitigation ratios vary between 2:1 and 3:1 because impacts are taking place inside the FPA. Impacts to FA would not trigger any specific mitigation requirements unless allowed to convert to native vegetation or Non-native Grassland.
- Should you elect to consider onsite open space, it appears that the applicable mitigation ratios may be met onsite assuming that the northern areas are conserved, offsetting impacts to southern areas.
- Because the property is mapped within the City of Encinitas La Costa Softline FPA and contains listed species, the following site-specific standards, from the MHCP, will also need to be addressed:

1. Connectivity. *Site-specific planning in this area must maximize preserve design by ensuring connectivity to adjacent open space in the FPA.*

2. Avoidance/onsite conservation. *All mitigation (e.g., coastal sage scrub, southern maritime chaparral) must be met by onsite conservation to ensure a viable preserve design in this area. Maintain/conserv enough coastal sage scrub in this area to support 5 to 6 pairs of gnatcatchers.*

3. Avoid species locations. *Avoid stands or individuals of Del Mar manzanita, and conserve occupied gnatcatcher habitat.*

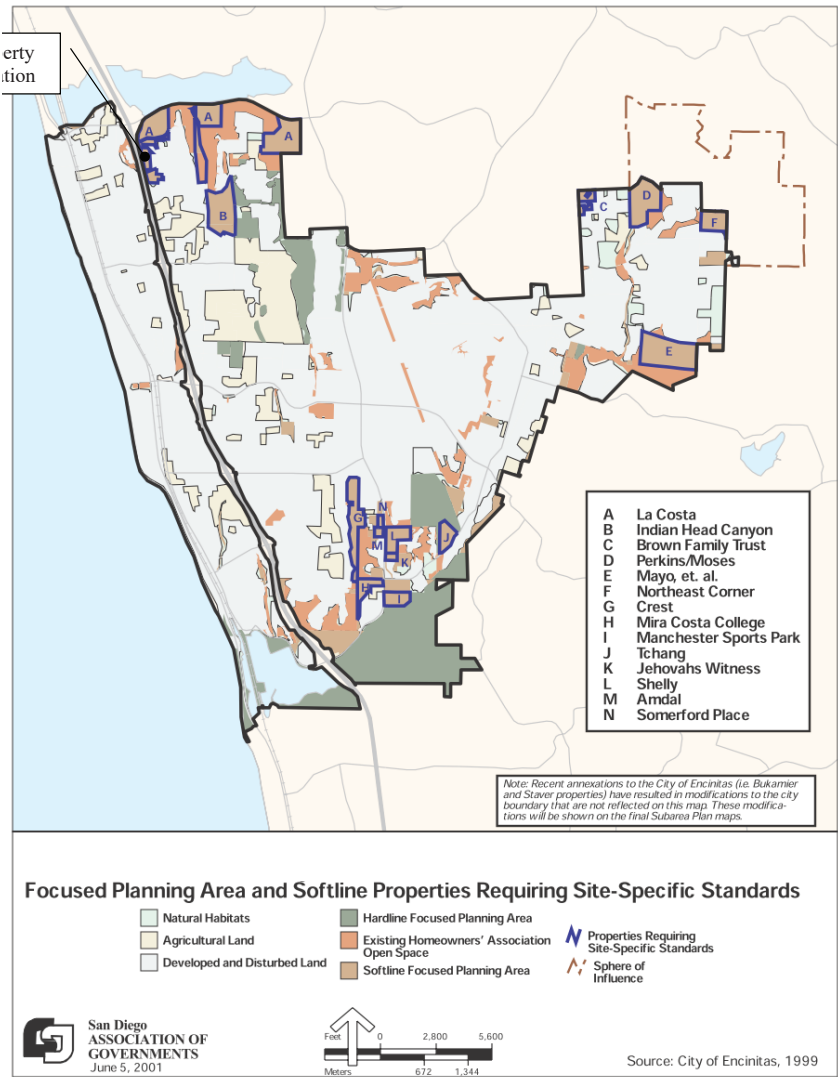
These standards (number of gnatcatchers, etc.) refers to the entire La Costa Softline FPA region (see Figure 1, "A"), not specifically this site.

At this point, I recommend restricting all development to the least sensitive areas of the site. These are clearly the FA areas, especially on the southern portion of the site. Although this area supports a patch of CSS, it is not directly connected to any natural areas and thus subject to edge effects. For this reason, you may have the opportunity to remove this habitat by offsetting that loss on sensitive areas to the north.

The above mitigation discussion is based on preliminary findings only, and any conclusions are subject to confirmation in a comprehensive biology study.

1B-15,
cont'd

Figure 1. Regional Location: Cannon Property, Encinitas



1B-15,
cont'd

Figure 2. Aerial photo showing rough vegetation mapping: Cannon Property, Encinitas



1B-15,
cont'd

Figure 2. Aerial photo showing rough vegetation mapping: Cannon Property, Encinitas



1B-15,
cont'd



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 6, 2023

Nick Koutoufidis
City of Encinitas
505 South Vulcan Ave.
Encinitas, CA 92024
NKoutoufidis@encinitasca.gov

**Subject: Piraeus Point (PROJECT), Draft Environmental Impact Report (DEIR),
SCH #2022050516**

Dear Mr. Koutoufidis:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Encinitas for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Piraeus Point Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code. CDFW also oversees the Natural Community Conservation Planning (NCCP) program. The City prepared a draft NCCP Subarea Plan under the Subregional Multiple Habitat Conservation Program (MHCP) addressing the cities in north San Diego County; however, the Encinitas Subarea Plan was never finalized, and

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

2 California Department of Fish and Wildlife (CDFW)

2-1

Comment Summary:

This comment indicates that CDFW received the Notice of Availability for the Draft EIR prepared for the proposed project and that the agency has provided comments and recommendations regarding the proposed project.

Response:

This comment is an introductory statement. No further response is required.

2-2

Comment Summary:

This comment explains CDFW's role as California's Trustee Agency for fish and wildlife resources, its legal obligations pursuant to CEQA, and its role as a responsible agency under CEQA.

Response:

The comment does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

2-1

2-2

Mr. Nick Koutoufidis
City of Encinitas
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applicable permits have not been issued by CDFW nor the U.S. Fish and Wildlife Service (USFWS; collectively, the Wildlife Agencies).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Encinitas (City)

Objective: The objective of the Project is to construct a 149-home residential community on an 11.8-acre site in Encinitas.

Location: The Project site is located on the northeast corner of Piraeus Street and Plato Place in Encinitas, CA. The Project site runs parallel to Interstate 5, bounded by La Costa Avenue to the north, extending southward beyond Sky Loft Road, and bounded by Plato Place to the south. Batiquitos Lagoon is located just north of the Project site, across La Costa Avenue.

Biological Setting: The Project site is currently undeveloped. Vegetation on the Project site includes coastal sage scrub, chaparral, and grassland communities. Additional vegetation communities in the off-site preserve area include Diegan coastal sage scrub, California brittle bush scrub, and annual brome grassland. Several northern California black walnut trees and Mexican fan palms are present within the preserve area as well. Four special-status plants were identified on the Project site during reconnaissance and focused rare plant surveys: California adolphia (*Adolphia californica*; California Rare Plant Rank (CRPR) 2B.1), wart-stemmed ceanothus (*Ceanothus verrucosus*; CRPR 2B.2), Engelmann oak (*Quercus engelmannii*; CRPR 4.2), and ashy spike-moss (*Selaginella cinerascens*; CRPR 4.1). Special-status wildlife species observed or considered to have a high or moderate potential to occur within the project site include coastal California gnatcatcher (*Poliophtila californica californica*; federal Endangered Species Act (ESA)-threatened, California Species of Special Concern (SSC)), Cooper's hawk (*Accipiter cooperii*; CDFW Watch List), monarch (*Danaus plexippus*; ESA-candidate species), San Diego desert woodrat (*Neotoma lepida intermedia*; SSC), and orange-throated whiptail (*Aspidoscelis hyperythra*; WL). The site is within USFWS-designated critical habitat for coastal California gnatcatcher.

Vegetation impacts and mitigation ratios are summarized in Table 3.3-2 below, and illustrated in Figure 3.3-3 (Attachment A):

Table 3.3-2: Impact Acreages of Vegetation Communities and Land Cover Types
within the Project Site

Oberbauer Vegetation Communities	MCV Vegetation Communities	Development Area (Impact) (Acres)			Development Area (Impact) Total (Acres)	Required Mitigation Ratio	Total (Acres)
		Site	Off-site Improvements	FMZ			
Diegan Coastal Sage Scrub (32500)	California Sagebrush – California Buckwheat Scrub	0.77	0.16	-	0.93	2:1	1.86
Southern Mixed Chaparral (37120)	Chamise Mission Manzanita Chaparral ¹	0.65	<0.01	0.48	1.13	1:1	1.13
Coastal Scrub (32000)	Deerweed Scrub	1.38	0.06	-	1.44	2:1	2.88
Disturbed	Disturbed	2.96	0.27	0.05	3.28	-	3.28
		Total			6.78	-	9.15

¹ Sensitive vegetation community
² Excludes San Diego Gas and Electric (SDG&E) easement
Notes: MCV = Manual of California Vegetation; FMZ = Fuel Modification Zone
Source: EICORP 2022 (see Appendix D)

2-2
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2-3

Comment Summary:

This comment provides a summary of the project description, including details regarding the proposed project as well as the project objectives, location, and biological setting. The comment restates the anticipated habitat impacts and proposed mitigation ratios as included in EIR Section 3.3, Biological Resources.

Response:

This comment provides background information regarding the proposed project and is informational in nature. The comment does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 3 of 5

COMMENTS AND RECOMMENDATIONS

On November 23, 2022, CDFW provided informal comments on the Project prior to the public review period (attached). CDFW offers those comments and recommendations below for the public record, to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment #1: Conservation Easement

Mitigation Measure BIO-1 (MM BIO-1) states that the majority of mitigation for impacted vegetation communities will be met through establishment of an on- and off-site adjacent Preserve Area; 5.51 acres will be preserved in place, including 100% (0.71 acre) of Diegan coastal sage scrub/lemonade berry scrub and 72% (0.81 acre) of southern mixed chaparral/chamise-mission manzanita chaparral. MM BIO-1 indicates that the Preserve Area will be set aside as an open space conservation easement in favor of the City of Encinitas and that, prior to grading, a long-term management plan (LTMP) will be prepared to the satisfaction of the City and Wildlife Agencies. MM BIO-1 states that a preserve management plan will provide an entity and endowment funding to maintain the biological open space in perpetuity.

Recommendation #1: While CDFW appreciates the inclusion of a land protection instrument over the Preservation Area, an open space easement is not sufficient to ensure preservation for the purposes of conservation in perpetuity. We strongly recommend that a conservation easement be placed over the property, particularly considering that the site is within USFWS-designated gnatcatcher critical habitat and near Batiquitos lagoon. Conservation easements are a unique property interest created by statute for the purpose of retaining land "...predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition" (Civ. Code, § 815.1). Conservation easements are permanent, legally binding, and enforceable on all future landowners; as such, they are the strongest land protection instrument to guarantee conservation of mitigation land in perpetuity. We recommend that the City coordinate with the Wildlife Agencies to establish a conservation easement over the Preservation Area.

Comment #2: Scientific Collecting Permits

Mitigation Measure BIO-2 (MM BIO-2) indicates that a biological monitor will be on site during vegetation clearing and ground disturbance activities and will ensure that wildlife species are relocated out of the impact areas. The biological monitor will also deconstruct woodrat middens prior to vegetation clearing within the Development area. Middens within the Fire Management Zone (FMZ) will be protected in place to the extent practicable but may be deconstructed if deemed a fire hazard.

Recommendation #2: If wildlife is to be relocated, the on-site biologists should be required to obtain, as applicable, a Scientific Collecting Permit (SCP). A Species Relocation Plan may also be appropriate to establish protocol for relocation of wildlife, including guidelines for the SCP-holding biologist to capture unharmed and release found species in appropriate habitat an adequate distance from the project site, unless they are a Federally and/or State-listed species in which coordination and direction from USFWS and/or CDFW, respectively, shall be required.

Comment #3: Rare Plant Salvage and Avoidance

Mitigation Measure BIO-3 (MM BIO-3) indicates that 103 California adolphia will be avoided and preserved in place at the off-site Preserve Area. Nine California adolphia individuals within the FMZ will be flagged and avoided in place. The Project will directly impact 145 California adolphia individuals, and 0.02 acre of California adolphia habitat. The Project will mitigate for

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Comment Summary:

This comment indicates that CDFW previously provided informal comments regarding the proposed project on November 23, 2022, prior to the public review period. The commenter states that such comments and recommendations are provided again in the subject comment letter (dated February 6, 2023) for the City's consideration in identifying and mitigating the project's significant direct and indirect impacts on sensitive biological resources.

Response:

This comment is introductory in nature and does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required. Refer to subsequent comments provided below.

2-5

Comment Summary:

This comment summarizes EIR mitigation measure BIO-1, which would establish an on- and offsite preserve area to be preserved in perpetuity and maintained via preparation and implementation of a long-term management plan, including identification of an entity and provision of endowment funding for maintenance purposes. The agency recommends that, instead of an open space easement, a conservation easement instead be placed over the proposed preserve area as this type of easement is "the strongest land protection instrument to guarantee conservation of mitigation land in perpetuity."

Response:

The City acknowledges the agency's recommendation to ensure long-term protection and management of the proposed preserve area via establishment of a conservation easement over the land area. The City is willing to consider implementing this approach and will continue to coordinate with the Wildlife Agencies to reach an agreement in order to ensure adequate long-term protection of habitat and species within the proposed preserve area. It is anticipated that the City will pursue

Mr. Nick Koutoufidis
City of Encinitas
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the impacts by salvaging seed for donation to a City refuge or preserve, donation to a local plant nursery, or propagation within an off-site mitigation area to the satisfaction of the City.

Recommendation #3: CDFW recommends that any propagation of California adolphia occur specifically to the Project's off-site Preserve Area, which shall be protected in perpetuity. The Wildlife Agencies request the opportunity to review and comment on seed salvage and/or propagation plans proposed for this species.

Comment #4: Off-site Mitigation

Mitigation Measure BIO-7 (MM BIO-7) indicates that off-site mitigation shall be required prior to grading, for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the Preserve Area, including: 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of southern mixed chaparral/chamise-mission manzanita chaparral. Mitigation will be achieved through purchase of mitigation credits or acquisition of land within the Coastal Zone. MM BIO-7 goes on to state that, "[b]ecause available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, CDFW, and USFWS."

Recommendation #4: We appreciate that the Wildlife Agencies will be consulted regarding mitigation bank credit purchase. Any credits purchased need to be commensurate with Project impacts, at a mitigation bank with an executed Banking Enabling Instrument, and within the designated service area of that bank.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The types of information reported to CNDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources.

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establishment of a conservation easement using established USFWS standards and methods that would avoid the need for additional review at the state level, with the City ultimately adopting the easement to allow for enforcement.

2-6

Comment Summary:

This comment summarizes EIR mitigation measure BIO-2, which outlines the responsibilities of a biological monitor who would be required to be onsite during vegetation clearing and ground disturbance activities. The agency recommends that the onsite biologist be required to obtain, as applicable, a Scientific Collecting Permit in the event that wildlife needs to be relocated. The agency also states that a Species Relocation Plan may be required and outlines the requirements of such a plan.

Response:

In response to public comments received, mitigation measure BIO-2 has been revised to identify the requirement for a biological monitor to be present onsite to ensure wildlife species are relocated out of the impact area. The onsite biologist shall have appropriate training and permits, as applicable, relevant to the potential for wildlife relocation. A Species Relocation Plan shall be developed, as applicable, to the satisfaction of the wildlife agencies prior to any ground disturbance. Refer to Final EIR Section 3.3, Biological Resources for the revised text.

2-7

Comment Summary:

This comment summarizes EIR mitigation measure BIO-3 which outlines the requirements for mitigating impacts to California adolphia. The agency recommends that propagation of California adolphia occur in the offsite preserve area and requests that the Wildlife Agencies be granted permission to review and comment on seed salvage and/or propagation plans proposed for California adolphia.

Response:

The offsite preserve area will already preserve 103 individuals of California adolphia individuals in place without any habitat conversion, artificial

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 4 of 5

the impacts by salvaging seed for donation to a City refuge or preserve, donation to a local plant nursery, or propagation within an off-site mitigation area to the satisfaction of the City.

Recommendation #3: CDFW recommends that any propagation of California adolphia occur specifically to the Project's off-site Preserve Area, which shall be protected in perpetuity. The Wildlife Agencies request the opportunity to review and comment on seed salvage and/or propagation plans proposed for this species.

Comment #4: Off-site Mitigation

Mitigation Measure BIO-7 (MM BIO-7) indicates that off-site mitigation shall be required prior to grading, for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the Preserve Area, including: 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of southern mixed chaparral/chamise-mission manzanita chaparral. Mitigation will be achieved through purchase of mitigation credits or acquisition of land within the Coastal Zone. MM BIO-7 goes on to state that, "[b]ecause available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, CDFW, and USFWS."

Recommendation #4: We appreciate that the Wildlife Agencies will be consulted regarding mitigation bank credit purchase. Any credits purchased need to be commensurate with Project impacts, at a mitigation bank with an executed Banking Enabling Instrument, and within the designated service area of that bank.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDB/Submitting-Data>. The types of information reported to CNDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources.

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irrigation, or impacts of any kind within the preserve area. Therefore, the City acknowledges the direction provided, but would not incorporate this measure unless coastal sage scrub creation or enhancement is required within the preserve area. The requirement for a California adolphia propagation plan with input from the Wildlife Agencies shall be added as mitigation measure BIO-3B.

2-8

Comment Summary:

This comment summarizes EIR mitigation measure BIO-7, which outlines requirements for additional offsite mitigation, and explains the requirements for achieving offsite mitigation through the purchase of mitigation credits to the satisfaction of the City, CDFW, and USFWS. The commenter recommends that the Wildlife Agencies be consulted regarding mitigation bank credit purchase and that any credits purchased need to be commensurate with project impacts and within the designated service area of the mitigation bank selected.

Response:

The City acknowledges the direction provided relevant to the purchase of mitigation bank credits and will continue to work with the Wildlife Agencies to determine an appropriate additional offsite mitigation area that satisfies all parties involved and appropriately offsets project impacts.

2-9

Comment Summary:

The commenter notes that special status species and natural communities encountered during project surveys are to be reported to the California Natural Diversity Database per CEQA requirements and provides information on how such data can be submitted.

Response:

The City acknowledges the direction provided relevant to the reporting of special status species and natural communities encountered. The project applicant would be subject to all such requirements for any surveys conducted for the project to date, as well as for resources documented during any future site surveys.

Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 4 of 5

the impacts by salvaging seed for donation to a City refuge or preserve, donation to a local plant nursery, or propagation within an off-site mitigation area to the satisfaction of the City.

Recommendation #3: CDFW recommends that any propagation of California adolphia occur specifically to the Project's off-site Preserve Area, which shall be protected in perpetuity. The Wildlife Agencies request the opportunity to review and comment on seed salvage and/or propagation plans proposed for this species.

Comment #4: Off-site Mitigation

Mitigation Measure BIO-7 (MM BIO-7) indicates that off-site mitigation shall be required prior to grading, for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the Preserve Area, including: 1.60 acres of coastal sage scrub within the Coastal Zone and 0.32 acre of southern mixed chaparral/chamise-mission manzanita chaparral. Mitigation will be achieved through purchase of mitigation credits or acquisition of land within the Coastal Zone. MM BIO-7 goes on to state that, "[b]ecause available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, CDFW, and USFWS."

Recommendation #4: We appreciate that the Wildlife Agencies will be consulted regarding mitigation bank credit purchase. Any credits purchased need to be commensurate with Project impacts, at a mitigation bank with an executed Banking Enabling Instrument, and within the designated service area of that bank.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources.

2-7
cont'd

2-8

2-9

2-10

2-11

2-10

Comment Summary:

This comment provides a discussion of environmental document filing fees required by CDFW.

Response:

The comment does not raise any environmental concerns nor address the adequacy of the EIR. No further response is required.

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Mr. Nick Koutoufidis
City of Encinitas
February 6, 2023
Page 5 of 5

Questions regarding this letter or further coordination should be directed to Jessie Lane, Environmental Scientist, at Jessie.Lane@wildlife.ca.gov.

Sincerely,

DocuSigned by:

David Mayer

070084520375406...

David Mayer
Environmental Program Manager
South Coast Region

cc: CDFW

Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov

OPR

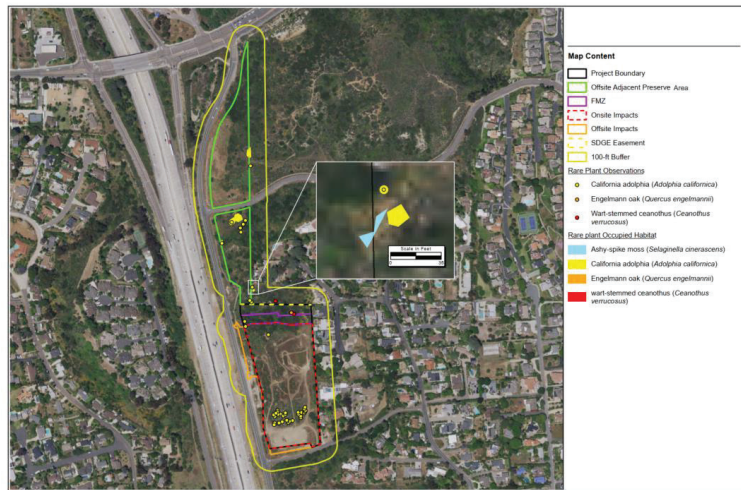
State Clearinghouse, Sacramento – State.Clearinghouse@opr.ca.gov

USFWS

David Zoutendyk – David.Zoutendyk@fws.gov

2-11
cont'd

Attachment A: Biological Survey Results



Referenced
in 2-3

Michael Baker
INTERNATIONAL
File: 18027 (Piraeus).indd
Sunday, February 12, 2023 10:00:00 AM

PIRAEUS POINT
ENVIRONMENTAL IMPACT REPORT
Biological Survey Results - Plants
Figure 3.3-3

2-11

Comment Summary:

The comment is a conclusion to the comment letter and provides contact information for CDFW representatives as well as an attachment of Figure 3.3-3, Biological Survey Results – Plants, as provided in the EIR.

Response:

This comment is in conclusion to the comment letter. No further response is required.

From: Chris Stanley
Sent: Tuesday, January 3, 2023 11:04 AM
To: Nick Koutoufidis
Subject: FW: synchro files for Piraeus Point DEIR traffic analysis

From: Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>
Sent: Thursday, December 8, 2022 1:22 PM
To: Chris Stanley <cstanley@encinitasca.gov>
Subject: RE: synchro files for Piraeus Point DEIR traffic analysis

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified the email address, and know the content is safe.

Hi Chris,

Thank you for sending the Synchro files.

Have a good day,

Kimberly D. Dodson, GISP, M. Eng.
Associate Transportation Planner
Caltrans District 11 LDR Branch
4050 Taylor St., MS-240
San Diego, CA 92110
Kimberly.Dodson@dot.ca.gov
Telework phone: 619-985-1587

From: Chris Stanley <cstanley@encinitasca.gov>
Sent: Thursday, December 8, 2022 12:30 PM
To: Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>
Subject: RE: synchro files for Piraeus Point DEIR traffic analysis

EXTERNAL EMAIL. Links/attachments may not be safe.

Hi Kimberly,

Please see the files attached.



Chris Stanley
Associate Planner
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
760.633.2785 cstanley@encinitasca.gov
www.encinitasca.gov

1

3A California Department of Transportation (Caltrans)

3A-1

Comment Summary:

This comment provides an introductory statement to the letter and requests that Synchro files used in preparing the traffic analysis for the EIR be provided to the agency.

Response:

The comment does not raise an environmental concern pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. Synchro files were provided electronically to Caltrans by Mr. Chris Stanley, Associate Planner, of the City of Encinitas Development Services Department on December 8, 2022, fulfilling the agency's request.

3A-1

Conduct business with the City of Encinitas [online](#) from the convenience of your office, home, or a mobile device!

Correspondents should be aware that all communications to and from this address are subject to public disclosure and may be reviewed by third parties.

[Please tell us how we are doing.](#)

The Development Services counter is open for in-person services on Monday-Thursday from 8 am-5 pm, and every other Friday from 8 am-4 pm. We value your needs, so it is our goal to reply to your inquiry within two business days.

From: Dodson, Kimberly@DOT <kimberly.dodson@dot.ca.gov>
Sent: Tuesday, December 6, 2022 11:50 AM
To: Chris Stanley <cstanley@encinitasca.gov>
Subject: FW: synchro files for Piraeus Point DEIR traffic analysis

[NOTICE: Caution: External Email]

Hi Chris,

Can you please provide the Synchro files for the traffic analysis for the Piraeus Point DEIR? 3A-2

Thank you,

Kimberly D. Dodson, GISP, M. Eng.
Associate Transportation Planner
Caltrans District 11 LDR Branch
4050 Taylor St., MS-240
San Diego, CA 92110
Kimberly.Dodson@dot.ca.gov
Telework phone: 619-985-1587

From: Dodson, Kimberly@DOT
Sent: Tuesday, December 6, 2022 11:41 AM
To: nkoutoufidis@encinitasca.gov
Subject: synchro files for Piraeus Point DEIR traffic analysis

Hi Nicholas,

Can you please provide the Synchro files for the traffic analysis for the Piraeus Point DEIR?

Thank you,

Kimberly D. Dodson, GISP, M. Eng.
Associate Transportation Planner
Caltrans District 11 LDR Branch
4050 Taylor St., MS-240
San Diego, CA 92110
Kimberly.Dodson@dot.ca.gov
Telework phone: 619-985-1587

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 11
4050 TAYLOR STREET, MS-240
SAN DIEGO, CA 92110
(619) 709-5152 | FAX (619) 688-4299 TTY 711
www.dot.ca.gov



February 6, 2023

11-SD- 5
PM 44.065
Piraeus Point
DEIR/SCH# 2022050516

Mr. Nicholas Koutoufidis
Senior Planner/Environmental Project Manager
City of Encinitas
505 South Vulcan Avenue
Encinitas, CA 92024

Dear Mr. Koutoufidis:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report (DEIR) for the Piraeus Point Project located near Interstate 5 (I-5). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of Encinitas in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections between various modes of travel, with the goal of improving the experience of those who use the transportation system.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

3B-1

3B California Department of Transportation (Caltrans)

3B-1

Comment Summary:

The comment summarizes the mission and goals of Caltrans.

Response:

This comment is an introductory statement and does not raise any environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 2

Caltrans has the following comments:

Traffic Impact Study

- Per section 3.12 the transportation impacts relative to VMT would remain significant and unavoidable. This is not acceptable and the project's VMT impact should be fully mitigated, per California Environmental Quality Act (CEQA) statutes. The project needs to investigate additional methods to address the VMT impact.

Hydrology and Drainage Studies

- Under current conditions, the majority of the project site drains northwest via surface/sheet flow and concentrates at the northwest corner of the property, before entering an existing 24" cross culvert under I-5. In the proposed condition, the majority of the project site drains southwest towards a biofiltration basin at the southwest corner of the property, before entering an existing 36" cross culvert under I-5. This split/diversion of flow is not supported by Caltrans and will require an Encroachment Policy Exception (EPE), regardless of the mitigation of peak flow by the biofiltration basin.
- A Proposed Development Footprint that maintains existing flow patterns should be investigated, considering that there is no guarantee that the EPE will be approved by the Department.
- The unmitigated post-development peak flow at the southwest point of concentration is increasing significantly. To mitigate this, the proposed biofiltration swale shows a reduction in peak flow from 29.89cfs to 0.12 cfs. Need to submit detail plan sheets of the biofiltration basin and the outlet structure, along with all necessary backup calculations to verify the peak flow reduction.
- Caltrans generally does not allow development projects to impact hydraulics within the State's Right-of-Way. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination

"Provide a safe and reliable transportation network that serves all people and respects the environment"

3B-2

3B-3

3B-4

3B-5

3B-6

3B-7

3B-2

Comment Summary:

This comment states that it is unacceptable for the project's vehicle miles traveled (VMT) impacts to remain significant and unavoidable, as currently written in EIR Section 3.12, Transportation, and that additional methods to reduce VMT need to be studied.

Response:

Refer to Master Response 1.

3B-3

Comment Summary:

This comment indicates that the changes to surface/sheet flow on the project site between the existing and proposed condition are not supported by the agency and will require an Encroachment Policy Exception, despite the ability of the mitigation of peak flow by the proposed biofiltration basin.

Response:

Portions of the proposed project's storm water infrastructure have been revised to eliminate the need for an Encroachment Policy Exception.

3B-4

Comment Summary:

The commenter asserts that a project footprint that maintains existing flow patterns should be considered by the project applicant, as an Encroachment Policy Exception may not be approved by the agency.

Response:

Portions of the proposed project's storm water infrastructure have been revised to eliminate the need for an Encroachment Policy Exception.

Preface and Responses to Comments

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 2

Caltrans has the following comments:

Traffic Impact Study

- Per section 3.12 the transportation impacts relative to VMT would remain significant and unavoidable. This is not acceptable and the project's VMT impact should be fully mitigated, per California Environmental Quality Act (CEQA) statutes. The project needs to investigate additional methods to address the VMT impact.

Hydrology and Drainage Studies

- Under current conditions, the majority of the project site drains northwest via surface/sheet flow and concentrates at the northwest corner of the property, before entering an existing 24" cross culvert under I-5. In the proposed condition, the majority of the project site drains southwest towards a biofiltration basin at the southwest corner of the property, before entering an existing 36" cross culvert under I-5. This split/diversion of flow is not supported by Caltrans and will require an Encroachment Policy Exception (EPE), regardless of the mitigation of peak flow by the biofiltration basin.
- A Proposed Development Footprint that maintains existing flow patterns should be investigated, considering that there is no guarantee that the EPE will be approved by the Department.
- The unmitigated post-development peak flow at the southwest point of concentration is increasing significantly. To mitigate this, the proposed biofiltration swale shows a reduction in peak flow from 29.89cfs to 0.12 cfs. Need to submit detail plan sheets of the biofiltration basin and the outlet structure, along with all necessary backup calculations to verify the peak flow reduction.
- Caltrans generally does not allow development projects to impact hydraulics within the State's Right-of-Way. Any modification to the existing Caltrans drainage and/or increase in runoff to State facilities will not be allowed.

Complete Streets and Mobility Network

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination

"Provide a safe and reliable transportation network that serves all people and respects the environment"

3B-2

3B-3

3B-4

3B-5

3B-6

3B-7

3B-5

Comment Summary:

This comment indicates that detail plan sheets must be provided to support the notion that the proposed biofiltration swale would adequately mitigate for post-development peak flow at the southwest point of concentration.

Response:

As evaluated in EIR Section 3.8, Hydrology and Water Quality, the project has been designed to provide measures (e.g., biofiltration basin) to mitigate post-development peak flows onsite to below existing conditions. Appendix A, Existing and Post-Development Hydrology Node Maps; Appendix C, AES Existing Condition and Post-Development Output Reports; and, Appendix D, Hydrograph and Detention Calculations, of EIR Appendix I-1, Preliminary Hydrology Report, provide data on pre- and post-development conditions for the project site. Detailed plan sheets will be provided with final engineering design for the project.

3B-6

Comment Summary:

This comment notes that the agency does not generally allow development projects to impact hydraulics in the right of way of State-owned roadways, to modify existing Caltrans drainage, or to increase runoff to State-owned facilities.

Response:

The project does not increase runoff to State-owned facilities as suggested. Nonetheless, portions of the proposed project's storm water infrastructure have been revised to eliminate the need for an Encroachment Policy Exception.

3B-7

Comment Summary:

The commenter outlines Caltrans' goals for transportation improvements, identifies integral elements for a transportation network, and describes the types of enhancements that contribute to a complete and integrated

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 3

with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

3B-7
cont'd

3B-8

3B-9

3B-10

3B-11

3B-12

transportation network. The commenter notes that Caltrans encourages early coordination when the agency itself and the City may be impacted.

Response:

The project has been designed in accordance with City engineering design standards to ensure that transportation or access-related improvements maintain public safety. The project also includes transportation demand measures to reduce automobile trips, both internal and external to the community, which include implementation of an electric bikeshare program (short-term rentals) and providing community based travel planning (provision of information to new residents on alternative travel modes, transit schedules, etc.). The project has been designed to incorporate an onsite community paseo providing pedestrian connection between the residential uses and the pool/common area, while also providing connection to the offsite sidewalk system. Sidewalks/pathways would be constructed along the onsite drives and along the frontage onto Piraeus Street and Plato Place. The City will continue to work with Caltrans on its goal to achieve an integrated transportation network.

3B-8

Comment Summary:

The commenter indicates that Caltrans awaits coordination with the City to identify potential Complete Streets Projects as the agency works to implement Complete Streets and climate change policies into State Highway Operations and Protection Program projects.

Response:

This is a general statement that is not specifically related to the proposed project. The comment does not raise an environmental concern relative to CEQA nor address the adequacy of the EIR. No further response is required. The City will continue with Caltrans to address the agency's Complete Streets and climate change goals and policies.

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 3

with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

3B-7
cont'd

3B-8

3B-9

3B-10

3B-11

3B-12

3B-9

Comment Summary:

This comment notes that bicycle, pedestrian, and public transit access must be maintained during construction, and that such access must be mitigated per the agency's goals and policies.

Response:

In conformance with City requirements, the project applicant would prepare a traffic control plan to ensure that adequate circulation on surrounding local roadways is maintained during the construction phase. Implementation of the traffic control plan would ensure that no hazardous conditions are created that would interfere with public safety and that any existing access to public transit in the project vicinity is maintained.

3B-10

Comment Summary:

This comment provides a description of smart growth land use policies. The comment states that the City should coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Response:

This is a general statement that is not specifically related to the proposed project. All project improvements have been considered and proposed in conformance with applicable local and State design regulations, as applicable, relative to land use and transportation. The project does not propose any improvements to local intersections at intersections or interchanges under the shared jurisdiction of the City and the Caltrans. The City will continue to work with Caltrans, as appropriate, to ensure that transportation-related issues are adequately addressed.

3B-11

Comment Summary:

The commenter states that Caltrans is not responsible for current or future noise impacts associated with the current configuration of Interstate 5 (I-5).

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
 February 6, 2023
 Page 3

with Caltrans, in locations that may affect both Caltrans and the City of Encinitas is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs. Caltrans looks forward to working with the City to evaluate potential Complete Streets projects.

Maintaining bicycle, pedestrian, and public transit access during construction is important. Mitigation to maintain bicycle, pedestrian, and public transit access during construction is in accordance with Caltrans' goals and policies.

Land Use and Smart Growth

Caltrans recognizes there is a strong link between transportation and land use. Development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both local vehicle miles traveled and the number of trips. Caltrans supports collaboration with local agencies to work towards a safe, functional, interconnected, multi-modal transportation network integrated through applicable "smart growth" type land use planning and policies.

The City should continue to coordinate with Caltrans to implement necessary improvements at intersections and interchanges where the agencies have joint jurisdiction.

Noise

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-5.

Environmental

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process. We look forward to the coordination of our efforts to ensure that Caltrans can adopt the alternative and/or mitigation measure for our R/W.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

3B-7
cont'd

3B-8

3B-9

3B-10

3B-11

3B-12

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

3B-12

Comment Summary:

This comment states that Caltrans serves a Responsible Agency for the project due the agency's discretionary authority of a portion of the project that is in Caltrans' right-of-way through the form of an encroachment permit process.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. The project does not require an encroachment permit from Caltrans for the improvements proposed; no work within the Caltrans right-of-way is required.

Preface and Responses to Comments

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 4

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, any CEQA determinations or exemptions. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing D11.Permits@dot.ca.gov or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

3B-13

Comment Summary:

The commenter states that an encroachment permit is required for work within the Caltrans' right-of-way. The commenter recommends that the project specifically identify and evaluate potential impacts caused by the project or impacts resulting from mitigation efforts that occur within Caltrans' right-of-way. The commenter states that Caltrans is interested in additional mitigation measures identified for the EIR.

Response:

No such encroachment work within Caltrans right-of-way is anticipated with the proposed project. Nonetheless, if required, the City and the project applicant would coordinate with Caltrans to obtain the necessary encroachment permits for work in the right-of-way. All potential environmental effects of the project as proposed (e.g., access improvements, lighting, drainage, landscaping, etc.) have been adequately evaluated in the EIR and mitigation measures identified to reduce such effects to below a level of significance.

3B-14

Comment Summary:

The commenter states the importance of affordable and reliable, high-speed broadband as it relates to supporting opportunities for telecommuting and travel demand management in reducing the impacts of traffic and decreasing greenhouse gas emissions and other pollutants in support of the State's transportation and climate action goals.

Response:

The comment is general and does not raise an environmental concern relative to CEQA nor address the adequacy of the EIR. Broadband service will be provided to all residential units within the proposed development to allow for telecommuting and remote learning, if desired by future residents. No further response is required.

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 4

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, any CEQA determinations or exemptions. The supporting documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans' R/W that includes impacts to the natural environment, infrastructure including but not limited to highways, roadways, structures, intelligent transportation systems elements, on-ramps and off-ramps, and appurtenant features including but not limited to lighting, signage, drainage, guardrail, slopes and landscaping. Caltrans is interested in any additional mitigation measures identified for the project's draft Environmental Document.

Broadband

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

Right-of-Way

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing D11.Permits@dot.ca.gov or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

3B-13

3B-14

3B-15

3B-16

3B-17

3B-15

Comment Summary:

The commenter states that the perpetuation of survey monuments by a licensed land surveyor is required if monuments are destroyed during construction.

Response:

A licensed land surveyor would be obtained if monuments are destroyed during project construction as the comment recommends. No further response is required.

3B-16

Comment Summary:

The commenter states that any work performed within the Caltrans' right-of-way will require discretionary review and approval by Caltrans, and an encroachment permit will be required for any work within the Caltrans' right-of-way prior to construction.

Response:

No such encroachment work within Caltrans right-of-way is anticipated by the proposed project. Nonetheless, if required, the City and the project applicant would coordinate with Caltrans to obtain the necessary encroachment permits for work in the State-owned right-of-way.

3B-17

Comment Summary:

This comment provides contact information relative to obtaining a Caltrans' encroachment permit.

Response:

The comment is informational and does not raise an environmental concern relative to CEQA, nor address the adequacy of the EIR. No further response is required.

Mr. Nicholas Koutoufidis, Senior Planner/Environmental Project Manager
February 6, 2023
Page 5

If you have any questions or concerns, please contact Kimberly Dodson, LDR
Coordinator, at (619) 985-1587 or by e-mail sent to Kimberly.Dodson@dot.ca.gov .

Sincerely,

Maurice A. Eaton

MAURICE EATON
Branch Chief
Local Development Review

↑
3B-17
cont'd

"Provide a safe and reliable transportation network that serves all people and respects the environment"



P.O. Box 235801 | Encinitas, CA 92023
encinitascommunitycollective@gmail.com | (760) 456-9042

February 6th, 2023

Nick Koutoufidis, Senior Planner
Development Services Department
City of Encinitas
505 South Vulcan Avenue,
Encinitas, CA 92024

LETTER OF CONCERN

RE: City of Encinitas Case No., MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022, and SUB-005391-2022”

Dear Mr. Koutoufidis:

As per City of Encinitas Notice of Preparation dated December 9, 2023 of a DRAFT Environmental Impact Report, the ECC has completed their review of the above referenced Case No., for the “Piraeus Point Townhomes” project and is hereby attached as if fully set forth for your review and the City’s subsequent action.

The ECC supports the City’s General Plan and the Multi Habitat Conservation Program (MHCP) in recognizing that the irreplaceable sensitive habitat inland bluffs in North County need to be protected as legacy property. This requires identifying all of the environmental and quality of life impacts to the Encinitas community of the proposed “*Piraeus Point Townhomes*.”

This inland bluff project site is an important extension of the northern scenic visual corridor renowned as the “Gateway to Encinitas” as identified in the City of Encinitas General Plan. It is highly valued and appreciated by the City’s residents, visitors and all travelers of the Interstate Hwy-5 Corridor.

The subject property is clearly a legacy environmental connectivity inland bluff site that has been shown on several environmental studies for and behalf of State Agencies

It is evident that this environmentally sensitive bluff site is totally inappropriate to construct 16 monolithic densely packed 3-story with an occupiable roof deck structures

4A-1

4A-2

4A-3

4A Encinitas Community Collective

4A-1

Comment Summary:

The commenter references the Notice of Preparation and EIR and indicates the Encinitas Community Collective (ECC) has completed review of such documents.

Response:

This comment provided are introductory. Refer to subsequent comments and responses below.

4A-2

Comment Summary:

The commenter acknowledges the location of the project site as part of the City’s inland bluffs and notes that “environmental and quality of life” impacts of the project should be identified. The commenter identifies the project site as an “extension of the northern scenic visual corridor” and gateway to the City of Encinitas.

Response:

The commenter does not raise a specific environmental concern nor question the adequacy of the EIR relevant to CEQA. Section 3.1, Aesthetics, of the EIR provides an analysis of the project site and potential effects on scenic resources in the area, including potential views to the site from I-5. Refer to subsequent comments which pertain more specifically to potential project effects pertaining to the inland bluffs and other visual resources.

4A-3

Comment Summary:

The comments provided are introductory and are covered in greater detail in subsequent comments below. The commenter asserts that, due to the sensitive bluffs, the site is inappropriate for development as proposed with regard to the number of units, density, and traffic generated. The



PIRAEUS POINT TOWNHOMES

with 149 Townhomes housing more than 350 to 500 people, with an excess of 300 vehicles.

The project is undeniably, ill-conceived and the city of Encinitas Housing Element Task Force was in gross error permitting this property as a Housing Element Candidate.

The following is a synopsis of the attached ECC *Piraeus Point Townhomes Environmental Analysis* which addresses the issues of concern to this rural community, in depth and detail.

Outline of Concerns Related to the proposed Piraeus Point Townhomes:

1. Environmental Setting. The proposed development is incompatible with the rural/residential character of the existing community, and will be a permanent blight on the existing neighborhood. It will degrade both the “quality of life” for the Piraeus Point Townhomes future residents, and the values of the existing surrounding properties.

2. Aesthetics. The site has significant natural attributes with endangered species and flora, that make it a highly inappropriate choice for such a high-density development.

3. Air Quality. The project is located within 200 meters of I-5 Interstate/international Highway where more than 200,000 to 250,000 vehicles travel 24/7 to Mexico and Canada. The location is also in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ in the atmosphere threaten the public health and welfare of current and future generations with cancer causing agents/pollutants. Why would the City allow 500 future residents breathe the 250,000 vehicle emissions 24/7 for what purpose?

4. Biological Resources. Coastal Sage Scrub (CSS) and Southern Maritime Chapparral have been identified and are a part of the Cannon Property Parcels A and B whereby nesting Gnatcatchers, an endangered specie, occupy the site.

Environmental Mitigation Credits Target Property - Parcel A APN 254-144-01-00 (6.93 Acres Gross/Net) and B APN 216-110-35-00 (4.39 Acres). The goal of a preservation and environmental mitigation program is to protect the “Target” properties, i.e., Parcels A and B, from being developed. The said program would enhance the disturbed areas of CSS, reintroduce endangered species, through rehabilitation efforts and preserve existing high quality upland habitat through site protection (easements and fences), and manage the “Target” Parcels A and B, in perpetuity by a designated 3rd Party. Note this property was pursued by the City of Encinitas and SANDAG 2018 to purchase as a Protected Environmental Habitat. Why not again, this time follow through and act.

5. Geology and Soils. The project site is located on or within very close proximity to the State Recorded La Costa Avenue Fault as initially identified by noted geologist Leonard Eisenberg and confirmed by Norrie Robbins, PhD (Professor Geology, San Diego State University). See Appendices A.

4A-3
cont'd

4A-4

4A-5

4A-6

4A-7

4A-8

commenter also asserts that the subject site should not have been identified as a Housing Element candidate site.

Response:

The General Plan Housing Element Update provides the City with a strategy for promoting the production of safe, decent, and affordable housing for all within the City. The purpose of the Housing Element is to ensure that the City establishes policies, procedures, and incentives to increase the quality and quantity of the housing supply in the City. The project site is identified as the “Cannon Property (Piraeus) - Site Number 02” in the City’s Housing Element. The underlying purpose of the proposed project is to create a community that provides a mixture of product types that would offer opportunities for housing across income groups in conformance with the City’s 2013-2021 Housing Element.

4A-4

Comment Summary:

The commenter asserts that the project as proposed is incompatible with the existing neighborhood character and that it would degrade the quality of life for future project residents and the value of surrounding properties.

Response:

Refer to Master Response 4. The commenter does not provide specifics as to how the project is incompatible with the existing community character or how it would result in “permanent blight.” As discussed in EIR Section 3.1, Aesthetics, the project would have a less than significant impact on a scenic vista or other scenic resources and, being located in an urbanized area, would not conflict with applicable zoning or other regulations governing scenic quality.

Potential effects of a project on economic property values or quality of life are not considered environmental topics of concern relevant to CEQA. No further response is required.



PIRAEUS POINT TOWNHOMES

with 149 Townhomes housing more than 350 to 500 people, with an excess of 300 vehicles.

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3. Air Quality. The project is located within 200 meters of I-5 Interstate/international Highway where more than 200,000 to 250,000 vehicles travel 24/7 to Mexico and Canada. The location is also in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆ in the atmosphere threaten the public health and welfare of current and future generations with cancer causing agents/pollutants. Why would the City allow 500 future residents breathe the 250,000 vehicle emissions 24/7 for what purpose?

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Environmental Mitigation Credits Target Property - Parcel A APN 254-144-01-00 (6.93 Acres Gross/Net) and B APN 216-110-35-00 (4.39 Acres). The goal of a preservation and environmental mitigation program is to protect the “Target” properties, i.e., Parcels A and B, from being developed. The said program would enhance the disturbed areas of CSS, reintroduce endangered species, through rehabilitation efforts and preserve existing high quality upland habitat through site protection (easements and fences), and manage the “Target” Parcels A and B, in perpetuity by a designated 3rd Party. Note this property was pursued by the City of Encinitas and SANDAG 2018 to purchase as a Protected Environmental Habitat. Why not again, this time follow through and act.

5. Geology and Soils. The project site is located on or within very close proximity to the State Recorded La Costa Avenue Fault as initially identified by noted geologist Leonard Eisenberg and confirmed by Norrie Robbins, PhD (Professor Geology, San Diego State University). See Appendices A.

4A-3
cont'd

4A-4

4A-5

4A-6

4A-7

4A-8

4A-5

Comment Summary:

The commenter asserts that the project site has significant natural attributes with endangered species and flora, and that the site is therefore “inappropriate” for high-density development.

Response:

Refer to Master Response 4.

4A-6

Comment Summary:

The commenter identifies the project site as being within 200 meters of I-5 and indicates that the site is within a non-attainment area. The commenter identifies certain greenhouse gases that have the potential to affect public health and welfare and questions why the City would allow future residents to occupy the subject site and to breathe emissions generated by vehicles traveling on the interstate.

Response:

As indicated in EIR Section 3.2, Air Quality, an Air Quality Health Risk Assessment (HRA) was prepared to evaluate potential health risks to project residents due to Diesel Particulate Matter originating from proximity to I-5; refer to EIR Appendix C-2. The analysis was prepared using the California Office of Environmental Health Hazard Assessment methodologies as outlined by the California Air Pollution Control Officers Association.

Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established San Diego Air Pollution Control District’s excess cancer risk significance threshold of 10 per one million exposed and could therefore be considered a significant impact (Ldn Consulting, Inc. 2022). To ensure that levels for the proposed residential units remain below significance thresholds, mitigation measure AQ-1 is proposed to require installation of MERV-16 filtrations systems within each proposed residence to reduce potential indoor levels of PM_{2.5}. Detailed descriptions of the mitigated cancer risk using MERV 16 filtration are included in Table 3, Cancer Risk at



PIRAEUS POINT TOWNHOMES

with 149 Townhomes housing more than 350 to 500 people, with an excess of 300 vehicles.

The project is undeniably, ill-conceived and the city of Encinitas Housing Element Task Force was in gross error permitting this property as a Housing Element Candidate.

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4A-3
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4A-4

4A-5

4A-6

4A-7

4A-8

Worst-Case Indoor Receptors (Mitigated with MERV 16) of EIR Appendix C-2. As identified in the EIR, such impacts would be reduced to less than significant with mitigation incorporated.

The project site has been identified in the City’s General Plan Housing Element Update for future residential development. The project is therefore consistent with the City’s intent for future development on the subject property. In addition, the Housing Element Environmental Assessment determined that impacts to sensitive receptors would be less than significant with mitigation measures incorporated. (Housing Element ESA, p. 4.2-13). Mitigation measures suggested in the Environmental Assessment include ventilation systems with MERV-13 or better on all residential units within 500 feet of I-5. The project’s use of MERV-16 is consistent with this requirement.

4A-7

Comment Summary:

The commenter notes that the site supports sensitive habitat occupied by California gnatcatcher and raises the potential to preserve and manage the overall project site through a “preservation and environmental mitigation program” over the long term. The commenter also states that the subject site was previously sought for purchase as a Protected Environmental Habitat in 2018 and questions whether this approach could be again pursued.

Response:

The project proposes that the northernmost parcel (Parcel B) be protected as an “off-site preserve area,” to be preserved in perpetuity and left in its current undeveloped state in order to mitigate for biological impacts resulting from development of the project site. The project would preserve approximately 5 acres in an undisturbed state, while allowing for development on the remainder of the overall 12-acre site to meet the City’s housing goals. As identified in the City’s Housing Element Update, the subject site is intended for residential development to assist the City in meeting State mandated housing goals.



PIRAEUS POINT TOWNHOMES

with 149 Townhomes housing more than 350 to 500 people, with an excess of 300 vehicles.

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4A-3
cont'd

4A-4

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4A-7

4A-8

4A-8

Comment Summary:

The commenter suggests that the project site is located on or within proximity a state recorded fault (La Costa Avenue Fault). The commenter refers the reader to Appendix A.

Response:

The California Department of Conservation and the County of San Diego do not recognize or identify the La Costa Avenue fault that the commenter has asserted. No evidence would suggest that the fault is active. Southern California, including the project site, is subject to the effects of seismic activity because of the active faults that traverse the region. As discussed in Section 3.6 of the EIR, no known active faults or potentially active faults transect or project toward the subject site, nor is the site located within an earthquake fault zone mapped by the state or by the County of San Diego. The nearest known active faults are the Newport-Inglewood Fault and Rose Canyon Fault Zone, located approximately 13 miles west of the site; refer also to Appendix G-1, Geotechnical Investigation, of the EIR. All impacts related to seismic activity have been identified as less than significant. No further response is required.

The EIR, and supporting technical analyses as appropriate, have been prepared by qualified professionals in conformance with applicable local and state regulations and requirements. The fault referenced by the commenter is not considered to represent a geological hazard to the proposed project and no further evaluation is required. The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, as identified in the EIR. Project conformance with the requirements of the California Building Code and other local design requirements would ensure that impacts resulting from exposure to strong seismic ground shaking on any local or regional faults would remain less than significant.



PIRAEUS POINT TOWNHOMES

6. Hazardous Material/Hazardous Waste. A 2-acre +/- area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C.

With the removal of 60,000 cubic yards and or 66,000 tons of soil over a period of 10 months the whole site is transformed and previous history is moot. Is this the new rule for the City, destroy the site property to ground zero? This is not good.

7. Noise. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, Freeway traffic 24/7 located within 200 meters from the project site, was recorded 3:00 PM Saturday January 8, 2022. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See Appendices B, photo of Sound Pressure Level reading location on the Cannon Property Parcel A. The ECC is also greatly concerned about the unhealthy increase in noise that this project will generate onsite from more than 300 vehicles, resulting in a significant contribution to the existing noise levels and the negative impact to the adjacent community.

8. Public Services and Facilities. The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current "Safe Route to School" issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA. With the "very low" income families with 50% of the median income and being subsidized by the U.S. Taxpayer and monitored by the IRS Code Section 142 and Section 42 per the Housing Economic Recovery Act (HERA) of 2008, to live in this future development is unconscionable that the neighborhood children cannot be protected by utilizing the same U.S. Taxpayer Funded Housing Bonds.

9. Transportation and Circulation. The number of daily vehicles trips from the *Piraeus Point Townhomes* project will be more than 300 vehicles multiplied by a factor of 3.0 +/- equals >1,980 vehicle daily trips. An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a theoretical factor of 3.0 +/- for an estimated total of 1,980 +/- daily vehicle trips. This increase in vehicle traffic will seriously impact the intersection of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of an F-Rating. The lateral roads intersections of Plato Place, Olympus Road and Normandy Road will be seriously impacted. There is no public transit serving this area. Vehicular traffic flow south on Piraeus Street to Leucadia Blvd., is not possible due to its closure in 1998 by Caltrans I-5 Widening Program.

10. Utilities and Service Systems – Wastewater. The proposed *Piraeus Point Townhomes* 149 Equivalent Dwelling Units (EDU's) - with a population of 455* or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present discharge capacity let alone discharging an additional *34,125 gallons per day (GPD) into a 70 year +/- 8-inch gravity flow sewer line

(*306 bedrooms + 149 persons for 2-person bedroom occupancy) = 455 persons x 75 gallons/day = 34,125 GPD).

4A-9

4A-10

4A-11

4A-12

4A-13

4A-9

Comment Summary:

The commenter asserts a portion of the northern parcel comprising the project site was formerly used for agricultural purposes and that the application of pesticides may have occurred as a result of such operations. The commenter points the reader to Appendix C (of the letter) for discussion.

The commenter also references proposed soil removal on-site to allow for project implementation and questions the extent of ground disturbance.

Response:

As discussed in EIR Section 3.7, Hazard and Hazardous Materials, based on the results of the Phase I ESA prepared for the project, there are no recognized environmental conditions (RECs) associated with the project site. A Phase II investigation was performed to determine whether pesticides and/or arsenic related to past prior agricultural use of the site were present in on-site soils. No evidence of any RECs in connection with the site was identified during the soil testing. Based on the findings of the Phase I and II assessments, it was concluded that no additional environmental assessment of the site or surrounding properties was warranted (Geocon 2021). Project compliance with applicable federal, state, and local regulations would ensure that the project does not have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

As indicated in EIR Section 2.3.9, approximately 57,600 cubic yards of soil would be exported off-site for disposal. The amount of ground disturbance is site-specific, is influenced by site topography and constraints, and varies with the type and design of a development as proposed, as well as whether soils need to be removed due to potential contaminants or geological conditions. The upper layer of soil is considered unsuitable for support of additional fill and structural loads in its present state and will require remedial grading; see Appendix G-1. Historical landslide debris must also be removed and replaced with buttress fill to mitigate potential future instabilities.



PIRAEUS POINT TOWNHOMES

6. Hazardous Material/Hazardous Waste. A 2-acre +/- area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C.

With the removal of 60,000 cubic yards and or 66,000 tons of soil over a period of 10 months the whole site is transformed and previous history is moot. Is this the new rule for the City, destroy the site property to ground zero? This is not good.

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(*306 bedrooms + 149 persons for 2-person bedroom occupancy) = 455 persons x 75 gallons/day = 34,125 GPD).

4A-9

4A-10

4A-11

4A-12

4A-13

4A-10

Comment Summary:

The commenter indicates that readings were taken (on the Cannon property Parcel A) indicating average and peak noise levels generated from traffic along Interstate 5 and makes reference to an Appendix B for the location of the readings. The commenter also expresses concern that the project will cause "an unhealthy increase in noise" onsite from project-generated vehicle trips, as well as concern for traffic noise impacts on the adjacent community. It should be noted that the commenter makes reference to appendices that were attached to comments provided by the ECC in response to the Notice of Preparation (dated May 27, 2022) issued for the project.

Response:

Potential effects of project-generated traffic on off-site sensitive receptors was evaluated in Section 3.10, Noise, of the EIR. To determine if direct off-site noise level increases associated with the project would contribute to noise impacts, traffic volumes for the existing conditions were compared with the traffic volume increase of existing plus the proposed project. The project is estimated to generate 894 daily trips with a peak hour volume of 81 trips according to the project traffic study (Intersecting Metrics 2022). According to the traffic study, existing year traffic volumes along Piraeus Street are estimated at 1,786 average daily trips (ADT). Typically, a direct project impact requires that a project double (or add 100%) existing traffic volumes, or otherwise substantially contribute to existing traffic volumes, in order to increase noise levels by 3 dBA L_{dn} . Based on the number of ADT generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, that would contribute to a 3 dBA L_{dn} increase in noise levels. Noise impacts in this regard would be less than significant.

4A-11

Comment Summary:

The commenter asserts that the lack of safe routes to school program represents "a quantifiable negative significance" per CEQA and that project implementation would worsen such conditions. The commenter



PIRAEUS POINT TOWNHOMES

6. Hazardous Material/Hazardous Waste. A 2-acre +/- area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C.

With the removal of 60,000 cubic yards and or 66,000 tons of soil over a period of 10 months the whole site is transformed and previous history is moot. Is this the new rule for the City, destroy the site property to ground zero? This is not good.

7. Noise. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, Freeway traffic 24/7 located within 200 meters from the project site, was recorded 3:00 PM Saturday January 8, 2022. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See Appendices B, photo of Sound Pressure Level reading location on the Cannon Property Parcel A. The ECC is also greatly concerned about the unhealthy increase in noise that this project will generate onsite from more than 300 vehicles, resulting in a significant contribution to the existing noise levels and the negative impact to the adjacent community.

8. Public Services and Facilities. The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current "Safe Route to School" issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA. With the "very low" income families with 50% of the median income and being subsidized by the U.S. Taxpayer and monitored by the IRS Code Section 142 and Section 42 per the Housing Economic Recovery Act (HERA) of 2008, to live in this future development is unconscionable that the neighborhood children cannot be protected by utilizing the same U.S. Taxpayer Funded Housing Bonds.

9. Transportation and Circulation. The number of daily vehicles trips from the *Piraeus Point Townhomes* project will be more than 300 vehicles multiplied by a factor of 3.0 +/- equals >1,980 vehicle daily trips. An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a theoretical factor of 3.0 +/- for an estimated total of 1,980 +/- daily vehicle trips. This increase in vehicle traffic will seriously impact the intersection of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of an F-Rating. The lateral roads intersections of Plato Place, Olympus Road and Normandy Road will be seriously impacted. There is no public transit serving this area. Vehicular traffic flow south on Piraeus Street to Leucadia Blvd., is not possible due to its closure in 1998 by Caltrans I-5 Widening Program.

10. Utilities and Service Systems – Wastewater. The proposed *Piraeus Point Townhomes* 149 Equivalent Dwelling Units (EDU's) - with a population of 455* or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present discharge capacity let alone discharging an additional *34,125 gallons per day (GPD) into a 70 year +/- 8-inch gravity flow sewer line

(*306 bedrooms + 149 persons for 2-person bedroom occupancy) = 455 persons x 75 gallons/day = 34,125 GPD).

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also asserts that the "low income" housing proposed with the project is being subsidized by the "US Taxpayer" and that similar "US Taxpayer Funded Housing Bonds" should be used to protect the neighborhood children (*through improvements to provide safe circulation for school children*).

Response:

Refer to Master Response 1.

The City acknowledges the comments provided pertaining to options for funding future circulation and public safety improvements. These comments do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

4A-12

Comment Summary:

The commenter asserts that daily vehicle trips from the project would exceed 1,980 average daily trips (ADT) as compared to the 894 ADT as stated in the EIR, including additional trips being generated by service vehicles. The commenter also asserts that the increase in vehicle traffic would impact the Piraeus Street/La Costa Avenue intersection, resulting in a level of service (LOS) F, with additional impacts occurring at the intersections of Plato Place, Olympus Road, and Normandy Road. The commenter notes there is no public transit serving the project area and that vehicular travel south along Piraeus Street to Leucadia Boulevard is not possible due to prior closure as the result of prior Interstate 5 improvements.

Response:

Refer to Master Response 1. As indicated in EIR Section 4.12, Transportation, the project would generate an estimated 894 ADT, based on trip generation rates (6 average daily trips/unit) derived from SANDAG's (Not So Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, dated April 2002 (see EIR Appendix K). The SANDAG Guide is the authoritative source for trip generation within San Diego County and is relied upon by San Diego County, SANDAG, and most municipalities in the San Diego region. Because the applicable VMT threshold is a regional



PIRAEUS POINT TOWNHOMES

6. Hazardous Material/Hazardous Waste. A 2-acre +/- area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C.

With the removal of 60,000 cubic yards and or 66,000 tons of soil over a period of 10 months the whole site is transformed and previous history is moot. Is this the new rule for the City, destroy the site property to ground zero? This is not good.

7. Noise. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, Freeway traffic 24/7 located within 200 meters from the project site, was recorded 3:00 PM Saturday January 8, 2022. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See Appendices B, photo of Sound Pressure Level reading location on the Cannon Property Parcel A. The ECC is also greatly concerned about the unhealthy increase in noise that this project will generate onsite from more than 300 vehicles, resulting in a significant contribution to the existing noise levels and the negative impact to the adjacent community.

8. Public Services and Facilities. The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current "Safe Route to School" issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA. With the "very low" income families with 50% of the median income and being subsidized by the U.S. Taxpayer and monitored by the IRS Code Section 142 and Section 42 per the Housing Economic Recovery Act (HERA) of 2008, to live in this future development is unconscionable that the neighborhood children cannot be protected by utilizing the same U.S. Taxpayer Funded Housing Bonds.

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(*306 bedrooms + 149 persons for 2-person bedroom occupancy) = 455 persons x 75 gallons/day = 34,125 GPD).

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average computed by SANDAG, use of the agency's trip generation manual also provides a level of consistency. The commenter does not provide a source to substantiate how the project would generate 1,980+/- ADT.

The City acknowledges the lack of public transit in the project vicinity and that access to Leucadia Boulevard is no longer provided as a result of improvements to Interstate 5 that occurred over 20 years ago. The commenter does not identify a specific environmental issue relative to either of these conditions. No further response is required.

4A-13

Comment Summary:

The commenter provides information on the anticipated wastewater generated by the project and expresses concern regarding capacity of the existing sewer system to accommodate flows from the proposed development, as well as age of the affected sewer infrastructure.

Response:

Refer to Master Response 2.



PIRAEUS POINT TOWNHOMES

10.1 Water. The *Piraeus Point Townhomes* will use an average of 75 GPD. [per the current Water Agencies Standards, Guidelines/San Dieguito Water District (SDWD)] including the irrigation water for drought tolerant plantings and trees. Based on 455 x 75 GPD capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38-acre feet/year.

4A-14

10.2 Drought Issues. Currently a Level 2 advisory water reduction is in effect (until June 10, 2023) for all SDWD customers. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and landscaping irrigation for functional grass areas only. It appears incongruous that major residential projects that will consume more than 38-acre feet are being considered or worse approved, while existing customers are reducing their usage due to the 3rd year drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

4A-15

10.3 Stormwater. The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater conveyance system. Stormwater overflows shall be discharged off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous Environmental Mitigation Target Property Parcel B. Note all surface waters flow and subsurface drain to Batiquitos Lagoon.

4A-16

11.0 General Design Review. It is to be noted that there are also no recreational yards associated with the *Piraeus Point Townhomes* since each stacked townhome shared walls with common 2-hour (see California Residential Construction Code) fire rated independent walls back-to-back and side-to-side. Note no common utilities in adjacent/shared walls shall be allowed. Because of the monolithic block-concept a separation of 24ft., is designed for the drive-aisles. These drive-aisles are for access to the ground level garages and the Townhomes. Therefore, there are no ground level recreational yards. The Architect/Developer is utilizing the stepped roof(s) as a "recreational yard" however, the mandated solar photo voltaic panels (total 149 kW generation capability, plus A/C Heat Pump, outdoor furniture including BBQ equipment will need to be accommodated. It is to be noted, that during storm events 45 to 60 MPH winds or higher are quite common. Having loose furniture will be problematic. It is presumed the 149 Townhomes will have individual trash/recycling/organic waste containers x 3 = 437 separate containers. These will be located in the residents' garages, not clear that this is the case.

4A-17

12.0 Parking Issues. There shall be no spillover or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All 300 +/- cars whether residents, visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only. Possibly, Lennar Homes will consider constructing underground parking to accommodate the overflow parking of the more than 300 vehicles that inevitably will happen.

4A-18

13.0 Lighting. Street Lamp Poles are required per the City SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night

4A-19

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4A-14

Comment Summary:

The commenter provides information on anticipated water use for the project, including for purposes of irrigation.

Response:

Refer to Master Response 2.

4A-15

Comment Summary:

The commenter states that customers of the SDWD are currently subject to advisory water reduction measures and questions why development projects which have greater water demand needs are being approved while existing customers are having to reduce their water use. The commenter suggests that a moratorium should be enacted on all construction projects, as this is the 3rd year of a state-wide drought condition.

Response:

Water demand for the project is provided in EIR Section 3.14, Utilities and Service Systems. The SDWD has provided a letter to the project applicant indicating that the district can adequately serve the development as proposed. Once constructed, project residents would be subject to any future water restrictive measures as applicable over the long term.

4A-16

Comment Summary:

The commenter states that the project should pretreat stormwater runoff prior to it being discharged from the site and that stormwater overflows should be discharged offsite to an approved Best Available Control Technology hydromodification pretreatment/retention location, possibly to the contiguous Environmental Mitigation Target Property Parcel B. The commenter states that all surface waters flow and subsurface drain to Batiquitos Lagoon.



PIRAEUS POINT TOWNHOMES

10.1 Water. The *Piraeus Point Townhomes* will use an average of 75 GPD. [per the current Water Agencies Standards, Guidelines/San Dieguito Water District (SDWD)] including the irrigation water for drought tolerant plantings and trees. Based on 455 x 75 GPD capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38-acre feet/year.

4A-14

10.2 Drought Issues. Currently a Level 2 advisory water reduction is in effect (until June 10, 2023) for all SDWD customers. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and landscaping irrigation for functional grass areas only. It appears incongruous that major residential projects that will consume more than 38-acre feet are being considered or worse approved, while existing customers are reducing their usage due to the 3rd year drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

4A-15

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4A-16

11.0 General Design Review. It is to be noted that there are also no recreational yards associated with the *Piraeus Point Townhomes* since each stacked townhome shared walls with common 2-hour (see California Residential Construction Code) fire rated independent walls back-to-back and side-to-side. Note no common utilities in adjacent/shared walls shall be allowed. Because of the monolithic block-concept a separation of 24ft., is designed for the drive-aisles. These drive-aisles are for access to the ground level garages and the Townhomes. Therefore, there are no ground level recreational yards. The Architect/Developer is utilizing the stepped roof(s) as a "recreational yard" however, the mandated solar photo voltaic panels (total 149 kW generation capability, plus A/C Heat Pump, outdoor furniture including BBQ equipment will need to be accommodated. It is to be noted, that during storm events 45 to 60 MPH winds or higher are quite common. Having loose furniture will be problematic. It is presumed the 149 Townhomes will have individual trash/recycling/organic waste containers x 3 = 437 separate containers. These will be located in the residents' garages, not clear that this is the case.

4A-17

12.0 Parking Issues. There shall be no spillover or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All 300 +/- cars whether residents, visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only. Possibly, Lennar Homes will consider constructing underground parking to accommodate the overflow parking of the more than 300 vehicles that inevitably will happen.

4A-18

13.0 Lighting. Street Lamp Poles are required per the City SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night

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Response:

The project design includes an on-site biofiltration basin that would provide stormwater pollutant control to meet the treatment and flow control requirements of the San Diego RWQCB municipal stormwater permit and City of Encinitas Best Management Practices (BMP) Manual for post-construction best management practices. Refer also to EIR Section 3.8, Hydrology and Water Quality. With the proposed on-site improvements and improvements to the existing storm drain system, the project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface water quality or ground water quality. Rather, it would substantially improve upon existing conditions through the on-site capture and treatment of stormwater.

4A-17

Comment Summary:

The commenter notes that there are no recreational yards proposed because of fire-rated back-to-back shared fire-rated walls and that no common utilities in shared walls should be allowed. The commenter states that there are no ground level recreational yards because of the proposed on-site drive aisles provided for access. The commenter indicates that the applicant intends the rooftops will serve as recreational yards, but that solar equipment, heating and cooling equipment, and other items may need to be accommodated in such space, and that such spaces may be subject to wind events. The commenter also expresses concern relative to where individual trash/recycling/organic waste containers for each unit will be accommodated on-site.

Response:

None of the issues raised by such comments identify an issue of environmental concern relative to CEQA; no further response is therefore required. The project has been designed to meet the City's recreational open space requirements via the provision of rooftop decks and the on-site pool/spa/gathering space and community paseo (required open space = 300 square feet/unit; proposed open space = 343 square feet/unit). Whether wind events would affect the potential use of rooftop decks is speculative. All buildings have been designed in accordance with applicable building and fire codes to ensure public and resident safety.



PIRAEUS POINT TOWNHOMES

10.1 Water. The *Piraeus Point Townhomes* will use an average of 75 GPD. [per the current Water Agencies Standards, Guidelines/San Dieguito Water District (SDWD)] including the irrigation water for drought tolerant plantings and trees. Based on 455 x 75 GPD capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38-acre feet/year.

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12.0 Parking Issues. There shall be no spillover or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All 300 +/- cars whether residents, visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only. Possibly, Lennar Homes will consider constructing underground parking to accommodate the overflow parking of the more than 300 vehicles that inevitably will happen.

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The storage of all waste collection containers would be regulated and monitored by the HOA.

4A-18

Comment Summary:

The commenter states that there should be no spillover of project-related parking onto adjacent streets and that all parking should occur on-site. The commenter suggests that the applicant consider underground parking to accommodate any overflow parking that may occur.

Response:

Refer to Master Response 1.

4A-19

Comment Summary:

The commenter states the requirement for light poles to be installed along the project's frontage along Piraeus Street. The commenter also requests that no lighting be installed that would project light into the night sky or surrounding community. The commenter notes that Leucadia is a dark skies community, in particular due to proximity to Batiquitos Lagoon.

Response:

The project would install on-site lighting to provide an adequate level of nighttime lighting for safe motorized and non-motorized circulation and to increase public safety for nighttime pedestrian and bicyclist use. Lighting would also be installed at the access driveways off of Plato Place and Piraeus Street to identify the project entrance and to provide safe ingress and egress. Light poles are not proposed along the project frontage on Piraeus Street or Plato Place.

As indicated in Section 3.1, Aesthetics, as demonstrated by the Lighting Plan prepared for the project (Visual Concepts Lighting, Inc. 2022; see EIR Appendix B), all proposed lighting would conform with City design standards which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line; light poles at a maximum height of 18 feet in height; and low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties (including the proposed



PIRAEUS POINT TOWNHOMES

sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon.

14.0 Trees and Plantings. The ECC believes that the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the required planting of 30 native trees per acre. All plantings shall be native drought tolerant and non-invasive.

15.0 Low Income. The ECC is requesting that 15% of the “very low-income” townhome units in lieu of the prescribed 10%, shall be sold for home ownership to independent, qualified (with an annual income of 50% of the median income in San Diego County as per the Multifamily Housing Program for the Tax Subsidy Project Limits (per 2008 HERA/HUD) and promulgated by California Department Housing Community Development CA-DHCD). As enforced and monitored by IRS Code Sections 142 and 42. This request is a social-equity moral issue - not an economic one. Lennar Homes as a publicly traded corporation should consider the Public Relations of voluntarily embracing the social equity compliance of this change.

16.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

HERA 2008 Compliant: It is to be noted that since HERA 2008 Taxpayer Funds are financing this project then fully compliance shall be initiated whereby elevators shall be installed for each Townhome, e.g., vertical transportation aka elevators are required for residents 55 years or older or people with disabilities. Without these Code required amenities the housing project will be seen as an age discrimination project, i.e., only for people who are less than 40 years of age and also “Low Income.”

Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chapparal and California Gnatcatchers. Additionally, SDG&E 12.6 kV distribution lines power poles - with stepdown transformers - crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a ROW recorded easement and so noted within the Cannon Property Title Report. The power lines shall be placed underground in accord with the City policy towards new construction projects and the City Ordinances.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e., maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A. It is not clearly explained how 60 Townhomes per the City Housing Element can morph into 149 Townhomes. Is this magic or an illusion?

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off-site preserve area adjacent to the north and existing residential uses to the east). The Conceptual Lighting Plan was prepared as part of the project improvement plans to demonstrate that on-site lighting levels with project implementation would meet City requirements for nighttime lighting levels at the property line. Consistency with City requirements would ensure the minimization of potential impacts associated with the provision of night-lighting that might otherwise adversely affect nighttime views in the area. Refer also to EIR Section 3.3, Biological Resources, which addresses potential indirect effects on adjacent habitats from project lighting.

4A-20

Comment Summary:

The commenter proposes a number of development setbacks that would “limit the available area for the required planting of 30 native trees per acre.” The commenter also states that all planting shall be native drought tolerant and non-invasive species.

Response:

As designed, project landscaping includes plantings that would meet the applicable requirement to provide 30 trees per acre within the proposed development area (Parcel A). Project conformance with such requirements would be ensured through the City’s discretionary review process prior to project approval. As indicated on the proposed Conceptual Landscape Plan, all proposed plantings would be native or drought tolerant and non-invasive species in accordance with City landscaping requirements and with respect for water conservation and adjacency to the proposed biological preserve area to the north.

4A-21

Comment Summary:

The commenter requests that the applicant consider increasing the number of very low income units offered to 15 percent of the total units versus the 10 percent as proposed as a “social-equity moral issue.”



sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon.

14.0 Trees and Plantings. The ECC believes that the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the required planting of 30 native trees per acre. All plantings shall be native drought tolerant and non-invasive.

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Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chapparal and California Gnatcatchers. Additionally, SDG&E 12.6 kV distribution lines power poles - with stepdown transformers - crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a ROW recorded easement and so noted within the Cannon Property Title Report. The power lines shall be placed underground in accord with the City policy towards new construction projects and the City Ordinances.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e., maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A. It is not clearly explained how 60 Townhomes per the City Housing Element can morph into 149 Townhomes. Is this magic or an illusion?

4A-19
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4A-24

Response:

The comments provided do not raise an environmental issue of concern relative to CEQA. The project as proposed (15 very low income housing units) is currently in compliance with applicable state-mandated affordable housing requirements and the City’s General Plan Housing Element Update relative to the provision of affordable housing.

4A-22

Comment Summary:

The commenter indicates that the project is required to install elevators within each townhome, as HERA Taxpayer Funds are being used to finance the project. The commenter states that without elevators, the project “will be seen as an age discriminating project.”

Response:

The commenter does not raise an environmental issue of concern relevant to CEQA nor question the adequacy of the EIR. HERA taxpayer funds are not being used for the project. The project has been designed in conformance with all applicable building code and accessibility requirements. No further response is required.

4A-23

Comment Summary:

The commenter states that Parcel B (northernmost parcel) is “unbuildable” and notes its location within the City’s Subarea Plan, as well as the presence of sensitive habitat and California gnatcatcher. The commenter states that the project shall underground the existing power lines traversing the property in accordance with City requirements.

Response:

As stated in EIR Section 2.1, Parcel B totals 4.95 acres (gross) in size. As discussed in Section 3.3, Biological Resources, of the EIR, the presence of CSS and southern maritime chapparal, along with gnatcatcher occupied CSS, and location within the Subarea Plan are all documented in the EIR. The project does not propose to develop Parcel B and instead, would preserve the parcel in perpetuity in its current undeveloped state in order



PIRAEUS POINT TOWNHOMES

sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon.

14.0 Trees and Plantings. The ECC believes that the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the required planting of 30 native trees per acre. All plantings shall be native drought tolerant and non-invasive.

15.0 Low Income. The ECC is requesting that 15% of the “very low-income” townhome units in lieu of the prescribed 10%, shall be sold for home ownership to independent, qualified (with an annual income of 50% of the median income in San Diego County as per the Multifamily Housing Program for the Tax Subsidy Project Limits (per 2008 HERA/HUD) and promulgated by California Department Housing Community Development CA-DHCD). As enforced and monitored by IRS Code Sections 142 and 42. This request is a social-equity moral issue - not an economic one. Lennar Homes as a publicly traded corporation should consider the Public Relations of voluntarily embracing the social equity compliance of this change.

16.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

HERA 2008 Compliant: It is to be noted that since HERA 2008 Taxpayer Funds are financing this project then full compliance shall be initiated whereby elevators shall be installed for each Townhome, e.g., vertical transportation aka elevators are required for residents 55 years or older or people with disabilities. Without these Code required amenities the housing project will be seen as an age discrimination project, i.e., only for people who are less than 40 years of age and also “Low Income.”

Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers. Additionally, SDG&E 12.6 kV distribution lines power poles - with stepdown transformers - crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a ROW recorded easement and so noted within the Cannon Property Title Report. The power lines shall be placed underground in accord with the City policy towards new construction projects and the City Ordinances.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e., maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A. It is not clearly explained how 60 Townhomes per the City Housing Element can morph into 149 Townhomes. Is this magic or an illusion?

4A-19
cont'd

4A-20

4A-21

4A-22

4A-23

4A-24

to mitigate for biological impacts resulting from development proposed on Parcel A to the south.

As indicated in Section 2.1, Project Overview and Location, of the EIR, the project would utilize State Density Bonus Law which allows projects to utilize up to three concessions and unlimited waivers. The project request one incentive to eliminate the City’s requirement to underground existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. All existing San Diego Gas & Electric utility poles that currently surround the project site are 12 kilovolt and would typically be required to be undergrounded. The undergrounding of those utilities would involve substantial improvement costs, and the cost savings associated with this incentive request would enable the project to instead provide for deed-restricted affordable housing on-site. The waiver requested for the project is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project’s ability to provide for deed-restricted affordable housing on-site.

4A-24

Comment Summary:

The commenter states that the City Housing Element Inclusionary Economic Analysis indicates the “allowable density of Townhomes is R-15,” and therefore, a maximum of 60 townhomes would be allowed for development on Parcel A.

Response:

Refer to Master Response 4.



PIRAEUS POINT TOWNHOMES

IN CONCLUSION, please be advised that this project is not welcomed by the surrounding community. It is ill-conceived, and if constructed, will be a permanent and an irreparable detriment to the existing community.

Piraeus Point Townhomes development will have a significant environmental impact within the Visual Scenic Corridor resulting from the destruction of this existing valuable wildlife habitat inland bluff. This project could never be perceived as a community benefit.

The ECC, as a Community Stakeholder, requests that they be kept informed in every stage of this pending development.

Further, the Piraeus Point Project does not comply with the SANDAG proposed General Plan to be implemented in 2025. The General Plan Policies are as follows:

- Efficient, Movement of people and goods
- Equitable, Access to housing and mobility options for everyone
- Healthy, Air and reduced greenhouse gases (GHG) emission
- Safe, Transportation system for all users.

None of these policies will occur with the construction of Piraeus Point Townhomes, therefore this project is in conflict with SANDAG and should be denied.

The ECC respectfully requests that Mr. Brian Grover and Mr. David Shepherd of Lennar Inc. exercise a thorough due diligence process including the evaluation of the multitude of critical issues that the ECC Draft Scoping EIR Review clearly identifies and describes. Each of these significant issues have to be addressed and resolved by Lennar Homes and the City to the satisfaction of the ECC. The ECC firmly believes that with careful and respectful evaluation, Lennar Homes will conclude that Piraeus Point Townhomes housing development project is neither an economical financial risk nor is it environmentally justifiable, that a major U.S. public corporation would be proud of. Further, when weighing each of the described CEQA categories, their sub-sets, the quantifiable data, Lennar Homes will be guided to choose not to exercise their “option to purchase” the Cannon Property and thereby avoiding to construct this “negative quality of life” constrained property

The ECC thanks you in advance for your review and careful consideration of these community concerns.

Sincerely,

Encinitas Community Collective

4A-25

Comment Summary:

The commenter asserts that the project is not supported by the surrounding community and that it would be a “permanent and an irreparable detriment to the existing community.”

Response:

The comments are conclusory and do not raise a specific issue of concern relevant to CEQA. No further response is required.

4A-26

Comment Summary:

The commenter restates that the project will have a significant adverse effect on visual resources as the result of impact on the existing wildlife habitat inland bluff.

Response:

Refer to Master Response 4. The project was determined to have a less than significant impact on visual resources based on the analysis provided in the EIR. The project proposes to preserve the northern 4.95 acres of the property in its existing condition for biological purposes, thereby protecting sensitive species while preserving existing views to such inland bluffs in perpetuity.

4A-27

Comment Summary:

The commenter requests to be kept informed of the proposed project moving forward.

Response:

To date, the City has exceeded public noticing requirements pursuant to CEQA for the proposed project. Public notice of the pending Planning Commission meeting at which the City Commissioners will consider approval of the proposed project will also occur in conformance with applicable public noticing requirements.



PIRAEUS POINT TOWNHOMES

IN CONCLUSION, please be advised that this project is not welcomed by the surrounding community. It is ill-conceived, and if constructed, will be a permanent and an irreparable detriment to the existing community.

Piraeus Point Townhomes development will have a significant environmental impact within the Visual Scenic Corridor resulting from the destruction of this existing valuable wildlife habitat inland bluff. This project could never be perceived as a community benefit.

The ECC, as a Community Stakeholder, requests that they be kept informed in every stage of this pending development.

Further, the Piraeus Point Project does not comply with the SANDAG proposed General Plan to be implemented in 2025. The General Plan Policies are as follows:

- Efficient, Movement of people and goods
- Equitable, Access to housing and mobility options for everyone
- Healthy, Air and reduced greenhouse gases (GHG) emission
- Safe, Transportation system for all users.

None of these policies will occur with the construction of Piraeus Point Townhomes, therefore this project is in conflict with SANDAG and should be denied.

The ECC respectfully requests that Mr. Brian Grover and Mr. David Shepherd of Lennar Inc. exercise a thorough due diligence process including the evaluation of the multitude of critical issues that the ECC Draft Scoping EIR Review clearly identifies and describes. Each of these significant issues have to be addressed and resolved by Lennar Homes and the City to the satisfaction of the ECC. The ECC firmly believes that with careful and respectful evaluation, Lennar Homes will conclude that Piraeus Point Townhomes housing development project is neither an economical financial risk nor is it environmentally justifiable, that a major U.S. public corporation would be proud of. Further, when weighing each of the described CEQA categories, their sub-sets, the quantifiable data, Lennar Homes will be guided to choose not to exercise their “option to purchase” the Cannon Property and thereby avoiding to construct this “negative quality of life” constrained property

The ECC thanks you in advance for your review and careful consideration of these community concerns.

Sincerely,

Encinitas Community Collective

4A-28

Comment Summary:

The commenter asserts that the project does not comply with the “SANDAG proposed General Plan to be implemented in 2025” and should be denied.

Response:

It is unclear what plan the commenter is referring to. The commenter does not provide specifics as to how the project in not be in compliance with the City’s General Plan.

The project would comply with the policies identified in that it would 1) construct 15 new very low income affordable housing units, thereby providing equitable access to housing; 2) avoid significant air quality and GHG impacts, with exception of resident exposure to DPMs, which is an effect of the existing environment on the project, not the project impacting the physical environment; and 3) provide new sidewalks along the project frontage and limited access to area bike lanes, with opportunities to connect to other means of alternative transit within the larger surrounding area.

4A-29

Comment Summary:

The commenter requests that the applicant team “exercise a due diligence process” including evaluation of the issues raised by the ECC in the subject letter and asserts that each issue raised needs to be “addressed and resolved”...“to the satisfaction of the ECC.” The commenter raises an issue of whether the project is of “economic financial risk” and not environmentally justifiable, and asserts that the applicant will choose not to purchase the property.

Response:

These comments do not raise issues of EIR adequacy or environmental concerns relative to CEQA. Economic or financial risk are not topics relevant to CEQA, neither are real estate transactions. Refer to the responses provided herein to this letter for greater detail on the issues raised.

PIRAEUS POINT TOWNHOMES

City of Encinitas Case No. MULTI-005158-2022;
CDP-005161-2022; DR-005160-2022[SUB-005159-2022
and SUB-005391-2022

AN ENVIRONMENTAL REVIEW of a DRAFT CALIFORNIA ENVIRONMENTAL QUALITY ACT, ENVIRONMENTAL IMPACT REPORT SUBMITTED BY LENNAR HOMES

Prepared by

Encinitas Community Collective
P. O. Box 235801
Encinitas, CA 92023

Submitted to

Nickolas Koutoufidis, Senior Planner,
City of Encinitas, Development Services Department

February 6th , 2023

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1.0 INTRODUCTION

1.1 The California Environmental Quality Act (CEQA) (aka Pub. Res. Code section 21000, et seq.) requires the City to identify significant environmental impacts of all projects that it approves, and to require the applicant to avoid or mitigate those impacts, if feasible. From an environmental impact standpoint, the ECC cannot overstate the importance of thoroughly analyzing the project based on an accurate description of the applicant's intended use of the project, especially where environmental impacts may be disguised or minimized by the applicant.

1.2 The proposed project does not comply with the City's Planned Residential Development regulations, which provide, in relevant portion: "Planned residential developments shall relate harmoniously to the topography of the site, shall make suitable provision for the preservation of steep slopes, water courses, drainage areas, wooded areas, rock outcroppings, and similar natural features, and shall otherwise be designed to retain such natural features to the greatest extent possible." Further, "[l]ots and structures shall be designed to follow and not significantly alter the natural contour of the land." (EMC § 30.16.020(B)3.)

- **1.3** During its Initial Draft Study (SCOPING), the City should be able to determine that the project will have a significant effect on the environment, requiring a thoroughly detailed Environmental Impact Report (EIR) in compliance with CEQA complete with exhibits, maps, guidelines from each of the governing agencies at ALL levels including but not limited to U.S. EPA; U.S. Department of Education; U.S. Department of Transportation; U.S. Department of Health, Center for Disease Control; U.S. Department of Housing and Urban Development. Further the equivalent State, County and City Departments are hereby referenced, as if fully set forth. Further, in an aid to understand the overall impact of such a development the City shall listen to the citizens of the community where the proposed project is to be constructed. It is to be noted that a CPP meeting was held by the developer Lennar Homes on June 13, 2022 at the La Costa Resort Hotel, Carlsbad. As of this date Lennar refuses to issue the consensus of the CPP. Shameful. Furthermore, the City of Encinitas is complicit in ignoring the will of its citizens.
-
- For the record, more than 70 community residents attended the CPP. Not one attendee supported the developers subdivision project. More than 25 attendees spoke about the project which they all were familiar with the design, location, architectural layout small cramped stacked vertical floors, shared walls townhomes with no ground floor yards all enjoined with 24 foot wide common use "drive-aisles." The townhomes as noted have no ground floor "traditional" yards but a cramped roof is used for the location of the unit(s) heat pump (heating & cooling) AC unit, solar panels, exhaust fans, plumbing sewer vents, roof drains and a small picnic table. Additionally, possibly propane gas, or charcoal BBQ grills/cookers, since there is no natural gas installed, per Title 24, California Plumbing Code. Access to the "Roof Yard" is via a narrow stairwell a total of 8 flights of stairs from the ground floor. A marvelous view of Highway I-5 with all its noise and air pollutants, etc. This is not rural living, this is high rise absurdity, "Townhome Living" next to a noisy interstate freeway.

1.3.1 This EIR Review was previously submitted as an Environmental Analysis February 20, 2022 to Brian Grover, Nolan Communities, also to David Shepherd, and Jeff Roos, Lennar, Anna Colamussi and Nick Koutoufidis City of Encinitas. The Environmental Analysis was based on known issues that are subject to and required by, a conforming CEQA compliant project. There was

4B-1

4B Encinitas Community Collective**4B-1****Comment Summary:**

The commenter asserts that the project does not comply with the City's Planned Residential Development regulations relative to grading of steep slopes and retaining natural onsite features to the extent feasible.

The commenter further asserts that the EIR should be completed in compliance with CEQA and should consider community input. The commenter states that a public meeting was held in conformance with the City's community participation program requirements, and that results from the meeting were not subsequently shared by the applicant. The commenter further indicates that they submitted "EIR Review" comments in February 2022 and that no response was received. The commenter subsequently submitted review comments in response to the 60-day public review period commencing in December 2022, and indicates that the EIR does not address issues previously raised by the ECC.

The commenter concludes that the project as proposed would result in significant and unavoidable impacts relative to biological resources, noise, aesthetics/inland bluffs, air quality/odors, and on surrounding adjacent lands and preserve areas. The commenter asserts that more "extensive mitigation to the satisfaction of the governing agencies," wildlife agencies, other organizations, and the local community is required.

Response:

Refer to Master Response 4 and EIR Section 3.1, Aesthetics. No significant impacts to scenic resources were identified.

Information relative to the City's community participation program and applicant conformance to such requirements is provided in Appendix A of the EIR which was circulated to the public as part of the 60-day public review period for the Draft EIR. Such information was therefore disclosed and made available to the public. Public input received throughout the EIR process has been considered by the City and the applicant in preparing the EIR. Additionally, the City has conformed with all applicable public scoping requirements under CEQA.

no response from any of the named recipients. Not encouraging but also not unexpected. Subsequently since February 20, 2022 Lennar Homes have developed a CEQA driven DRAFT SCOPING EIR that was made publicly available for review comments June 20, 2022. This 2nd EIR DRAFT dated December 9th, 2022 – has been reviewed by the ECC, and hereby submitted on February 6th, 2023. as requested by the City of Encinitas.

Therefore, the ECC has revised the following: 1. Environmental Analysis (EA) and 2. Draft SCOPING EIR review comments entitled “An Environmental Review of a Draft Scoping California Environment Quality Act, Environmental Impact Report. The EA CEQA issues have remained in the body of the EA, however the 12-09-2023 ECC DRAFT EIR review comments are identified in italics, to aid the reader. Many of the EA and the DRAFT SCOPING EIR issues remain as is whereby the issues raised have not been addressed or simply ignored by Lennar and its consultants. It is the opinion of the ECC where the 12-09-2023 Lennar Draft EIR does not adequately address the CEQA issues the ECC provides such comments and thereby remain as such to be addressed by Lennar, et al., per their future, i.e., revised – (Preliminary?) - EIR to be issued Spring 2023?

The ECC observed and is aware of the CEQA environmental issues and conducted an environmental analysis of the proposed housing/subdivision development property, Parcel A, (APN: 254-144-01), to evaluate the stated impacts as described in this DRAFT EIR Review. It is clear that the project would impose significant and unavoidable negative environmental impacts upon the sensitive flora and fauna of the undeveloped vacant natural inland bluff site, the endangered species, aesthetics, geological, biological resources, Interstate Highway 5 traffic noise, on-site traffic generated noise, nuisance cooking odors permeating the community, as well as the subdivision surrounding environment including the contiguous and adjacent La Costa Preservation Parcel(s) with Multi Habitat Conservation Program (HCP) pristine habitats and the nearby Batiquitos Lagoon-No Take). These negative legacy impacts and more will require extensive mitigation to the satisfaction of the governing agencies, U.S. Fish & Wildlife Services, CA dept., Fish & Wildlife services, SANDAG, Environmental Mitigation Working Group for San Diego North County, City of Encinitas Open Space Conservatory and the Leucadia community at large.

4B-1
cont'd

2.0 PROJECT DESCRIPTION, LOCATION AND ENVIRONMENTAL SETTING

2.1 Project Overview and Location

2.1.1 It is proposed that 149 Unit Multi-Family Residential Townhomes aka *Piraeus Point Townhomes* will be constructed on Parcel A, APN: 254-144-01-00, Zoned RR-2.0, vacant land. The applicant’s proposed project, with its substantial grading *approximately 60,000 cubic yards (CY)* and the addition of 16 massive, 40 feet high bulky structures, would significantly degrade the existing scenic character and quality of the natural undisturbed inland bluffs and its surroundings. The ECC wants to be perfectly clear that this proposed 149 Unit *Piraeus Point Townhomes* Housing Element project is totally inappropriate for this specific location for the following reasons and concerns:

4B-2

2.1.2 An analysis of the *Piraeus Point Townhomes* developed area per City Housing Element Appendix-C = 6.93 acres. Living space area = 171,000 sq. ft./43,560 sq. ft = 3.93 acres. Total

4B-3

Pursuant to CEQA requirements, the City has considered all comments received during the 30-day comment period in response to the Notice of Preparation of an EIR (commencing May 27, 2022) and the 60-day comment period in response to release of the Draft EIR (commencing December 9, 2022). Additionally, the project applicant has conformed to the City’s requirements for public participation. All comments received were considered in preparing the EIR; however, it should be noted that a lead agency is not required to provide written response to comments received in response to the NOP. Comments received in response to public review of the Draft EIR are included and addressed herein as part of the Final EIR.

The City acknowledges the issues identified by the commenter and the assertion that the project would result in significant and unavoidable effects. Refer to the discussions below which respond more specifically to the issues of concern identified. Coordination between the City and applicant and various affected agencies remains ongoing and will continue in obtaining the required permits for project implementation.

4B-2

Comment Summary:

The commenter provides a brief summary of the proposed project components and asserts that the project as proposed would “significantly degrade the scenic character and quality of the...inland bluffs.” The commenter also asserts that the project is inappropriate for the location proposed and provides subsequent reasons as to why.

Response:

Refer to Master Response 4. This comment is introductory; refer to subsequent comments provided below.

4B-3

Comment Summary:

The commenter provides a series of calculations as to the “Piraeus Point Townhomes developed area” per City Housing Element Appendix C.

Preface and Responses to Comments

buildings sq. ft. = 203,663/43,560 sq. ft. = 4.675 acres. Landscaping (includes internal roads and drive aisles = 87,898 sq. ft./43,560 sq. ft. = 2.017 acres = Total developed acreage = 4.675 + 2.017 = 6.692 acres. Unaccounted acreage = 6.93 - 6.692 = 0.238 acres or 10,357 sq. ft.	4B-3 cont'd
2.1.3 Height issues. ECC is requesting a 35-foot +/- maximum height limit for these units, inclusive of roof top equipment, plumbing sewer pipe vents (to be located 10 feet or more from outside air intakes), sound barrier clear safety glass(?) 5-foot "fence", solar panel(s), quantities unknown - but total wattage capacity will be insignificant - Heat Pump/air-conditioning unit(s.), tables, chairs, BBQ equipment, etc. It is to be noted that the roof yard shall be considered a story/level since it is a recreational living space and thereby shall be considered an occupiable level for the residents.	4B-4
2.1.4 The City mandate of installing solar voltaic panels (SVP) system(s) and/or a DC microgrid system(s) for each townhome recreational flat roof deck may not be cost effective. <i>In consideration that each roof deck square footage is contingent upon the number of bedrooms. Thereby a single bedroom Townhome has only net 40 sq.ft available for solar panels, a 2 bedroom has approximately net 80 sq.ft and a 3 bedroom has net 120 sq.ft. Noting that solar panels are 20% +/- efficient they need to be installed at an array tilt of 20° facing 180° either west or east avoiding shading from, e.g., roof access stair well walls, neighbors 5-foot perimeter fences, potted plants, furniture, sun umbrellas, not counting dust, dirt, etc. Further, with multiple sanitary plumbing roof vents, bathroom exhaust vents, kitchen exhaust vents, roof deck drains, heat pump and electrical equipment code clearances, will also limit actual solar panel locations. These standard Building Code clearances are inherent restraints to (any) the solar panel power systems efficiency towards reducing the owner(s) SDG&E power bills. The ROI payback time may well exceed the useful life-cycle (economics) of the solar power system(s) components, e.g., DC to AC inverter(s) thereby negating any true electrical power savings. The City of Encinitas per the approved CAP requires residential solar voltaic panels produce 1 watt of power per sq.ft of residential area annually. The actual residential sq ft for the 149 Townhomes equals 171,300 sq. ft. Therefor the CAP is limited to 171 kWh total generation The DRAFT EIR indicates an overall PV generation of 245,206 kWh/yr. more than the CAP mandate. The calculations need to be verified.</i>	4B-5
Population: The population total of the residents of the 149 Unit Piraeus Point Townhomes for the purpose of this DRAFT EIR review is based upon the following: Total of 306 bedrooms + 149 persons for 2-person bedroom occupancy = 455 persons, estimated.	4B-6
3.0 ENVIRONMENTAL SETTING Natural Grade a. The existing natural grade elevations of the Cannon Property APN: 254-144-01, Parcel A are variable as determined by the existing topographical contours depicted in the Applicants package to the City. Of extreme concern to the ECC is the potential for an arbitrary grade location in the vicinity of the east property line that will impact the residences contiguous to the former Cannon Property (Parcel A) aka Piraeus Investments LLC, east property line/boundary. b. The ECC's concern is the shear volume of the extensive grading that will be required where it is estimated within the DRAFT EIR approximately 60,000 CY will be exported. The proposed east property setback reinforced concrete retaining wall height shall not be more than 4 feet above the	4B-7

<u>Response:</u> This comment is for informational purposes and does not raise an environmental issue of concern nor question the adequacy of the EIR relative to CEQA requirements. Refer to subsequent comments below for additional discussion. 4B-4 <u>Comment Summary:</u> The commenter asserts that the ECC is requesting a 35-foot maximum height limit (inclusive of mechanical equipment, sound walls, solar panels, and other such elements that may be present on the rooftops. The commenter also asserts that the rooftop decks should be considered an additional building story as it would serve as occupiable, recreational living space. <u>Response:</u> Maximum building height proposed is 35 feet, consistent with requirements of the R-30 overlay zone. Per Municipal Code Section 30.16.101B.a.iii, a maximum of 5 feet is allowed beyond the 35-foot height limit for "allowed projections" such as mechanical equipment and other screening. As such, the proposed on-site structures (including projections) would not exceed 40 feet in height. Although they would provide added outdoor space that could be occupied by residents, the rooftops are exterior features and not considered to be an additional story of the residential units, consistent with City regulations. 4B-5 <u>Comment Summary:</u> The commenter asserts that "the mandate of installing solar voltaic panels (SVP) system(s) and/or a DC microgrid system(s) for each townhome recreational flat roof deck may not be cost effective" and that the EIR indicates an overall PV solar generation of more than the City's Climate Action Plan mandate for solar power produced. <u>Response:</u> The comments provided do not raise an issue of EIR adequacy or environmental concern relative to CEQA. Issues relative to economics of a
--

buildings sq. ft. = 203,663/43,560 sq. ft. = 4.675 acres. Landscaping (includes internal roads and drive aisles) = 87,898 sq. ft./43,560 sq. ft. = 2.017 acres = Total developed acreage = 4.675 + 2.017 = 6.692 acres. Unaccounted acreage = 6.93 - 6.692 = 0.238 acres or 10,357 sq. ft.

2.1.3 Height issues. ECC is requesting a 35-foot +/- maximum height limit for these units, inclusive of roof top equipment, plumbing sewer pipe vents (to be located 10 feet or more from outside air intakes), sound barrier clear safety glass(?) 5-foot "fence", solar panel(s), quantities unknown - but total wattage capacity will be insignificant - Heat Pump/air-conditioning unit(s), tables, chairs, BBQ equipment, etc. It is to be noted that the roof yard shall be considered a story/level since it is a recreational living space and thereby shall be considered an occupiable level for the residents.

2.1.4 The City mandate of installing solar voltaic panels (SVP) system(s) and/or a DC microgrid system(s) for each townhome recreational flat roof deck may not be cost effective.

In consideration that each roof deck square footage is contingent upon the number of bedrooms. Thereby a single bedroom Townhome has only net 40 sq.ft available for solar panels, a 2 bedroom has approximately net 80 sq.ft and a 3 bedroom has net 120 sq.ft. Noting that solar panels are 20% +/- efficient they need to be installed at an array tilt of 20° facing 180° either west or east avoiding shading from, e.g., roof access stair well walls, neighbors 5-foot perimeter fences, potted plants, furniture, sun umbrellas, not counting dust, dirt, etc. Further, with multiple sanitary plumbing roof vents, bathroom exhaust vents, kitchen exhaust vents, roof deck drains, heat pump and electrical equipment code clearances, will also limit actual solar panel locations. These standard Building Code clearances are inherent restraints to (any) the solar panel power systems efficiency towards reducing the owner(s) SDG&E power bills. The ROI payback time may well exceed the useful life-cycle (economics) of the solar power system(s) components, e.g., DC to AC inverter(s) thereby negating any true electrical power savings. The City of Encinitas per the approved CAP requires residential solar voltaic panels produce 1 watt of power per sq.ft of residential area annually. The actual residential sq ft for the 149 Townhomes equals 171,300 sq. ft. Therefor the CAP is limited to 171 kWh total generation The DRAFT EIR indicates an overall PV generation of 245,206 kWh/yr. more than the CAP mandate. The calculations need to be verified.

Population: The population total of the residents of the 149 Unit **Piraeus Point Townhomes** for the purpose of this DRAFT EIR review is based upon the following: Total of 306 bedrooms + 149 persons for 2-person bedroom occupancy = 455 persons, estimated.

3.0 ENVIRONMENTAL SETTING

Natural Grade

a. The existing natural grade elevations of the Cannon Property APN: 254-144-01, Parcel A are variable as determined by the existing topographical contours depicted in the Applicants package to the City. Of extreme concern to the ECC is the potential for an arbitrary grade location in the vicinity of the east property line that will impact the residences contiguous to the former Cannon Property (Parcel A) aka Piraeus Investments LLC, east property line/boundary.

b. The ECC's concern is the shear volume of the extensive grading that will be required where it is estimated within the DRAFT EIR approximately 60,000 CY will be exported. The proposed east property setback reinforced concrete retaining wall height shall not be more than 4 feet above the

4B-3
cont'd

4B-4

4B-5

4B-6

4B-7

project do not require evaluation pursuant to CEQA regulations. Similarly, project exceedance of the City's CAP requirements would not cause any adverse environmental effects. No further response is required.

4B-6

Comment Summary:

The commenter provides calculations for the potential population generated by the proposed project as proposed, estimating the project to generate 455 persons.

Response:

As indicated in EIR Section 4.3, Population and Housing, the estimated population generated by the proposed project would be 374 persons (149 units x 2.51 persons per unit), based on persons per household information provided in the City's HEU 5th Cycle (2019). The commenter does not provide substantial evidence as to why a greater population would be generated, nor provide a source for where the multiplier used came from. No further response to this comment is required.

4B-7

Comment Summary:

The commenter asserts that potential grading in the vicinity of the eastern property line would impact adjacent residences and expresses concern over the extent of grading proposed. The commenter asserts that the reinforced concrete retaining wall height shall not be more than 4 feet above the existing natural grade at the easterly property line. The commenter also asserts that potential effects of numerous construction-related vehicles on Piraeus Road and La Costa Avenue, as well as on local circulation patterns, would be "unacceptable."

Response:

Refer to Master Response 4 pertaining to grading effects and Master Response 1 regarding potential effects of project trip generation. All grading and construction would occur in conformance with the California Building Code and other local engineering design regulations, as well as recommendations of the Geotechnical Investigation prepared for the project (Geocon 2022), to ensure that geological and public safety

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existing east property line natural grade. Note that 60,000 CY will require 6,000 10 CY dump trucks. More than 11,000 CY of “clean engineered fill” will be imported to provide the required compacted base for the - 6.83 acres - 16, 4-story high structures concrete pads. The total amount of CY exported/imported will require 7,100 10 CY dump trucks passing through Piraeus and La Costa Avenue intersection. This quantity of trucks over a 5 month grading schedule equates to a single 10 CY dump truck entering and exiting this intersection every 9 minutes.

Notwithstanding the earth moving equipment, the support vehicles, water tankers, ready mix concrete trucks, field crews vehicles. This is a staggering quantity of construction vehicles that will destroy Piraeus Road, interfere with the community daily travel and is a significant impact to the community and its environment and is unacceptable.

c. With the “top of wall” elevation established, the ECC requests that the maximum building height of the **Piraeus Point Townhomes** shall be lower, thereby not exceeding the “Top of wall” elevation, as noted.

Extensive 40 foot +/- high reinforced concrete buttress type retaining walls will be required at the east and north property setbacks that have encroached into the >25% slope areas. The developer Lennar will literally remove all of the existing soil on site and will excavate 30 to 40 feet or more from the existing grade level of 80 feet AMSL at the north east natural grade level. Essentially carving out and removing the site, en mass. Massive buttress type perimeter retaining walls will be constructed for the east and north perimeter project construction boundary and thereby encroach into the natural slopes of Parcel A. Hundreds of horizontal cantilevered “soil nails” will be embedded into the existing east and north exposed soil face to anchor the vertical retaining walls. Of additional concern to the ECC community is the more than 11,000 cubic yards of clean engineered imported fill to provide the required compacted base for the - 6.83 acres - 16, 4-story high structures concrete pads, the roof yard shall be considered a story since it is a recreational living space and thereby shall be considered an occupiable level for the residents.

Further, knowing that natural seepage pathways are present (water table not found) flowing east to west within the site soils strata at various depths that may be considered as an unconfined aquifer(s) with different layers/strata of geological formations with different hydraulic conductivities.

The overall gross transmissivity of the unconfined aquifer(s) creates a cause of concern when storm events such as a 10-year, 25-year and quite recently back-to-back 100-years storms events occur. Again, drainage of the site is of utmost concern to the community to prevent another 2001 catastrophic subsidence event. Installing a water table drainage system is critical to the safety and welfare of the residential community to the east of the proposed subdivision. An insurance liability coverage policy shall be maintained in perpetuity to the satisfaction of the community, by the Piraeus Point Townhome Homeowners Association and or Lennar a publicly traded multi \$billion Florida corporation.

Additionally, Geocon Inc., a Lennar consultant reports that Lennar is proposing of using cantilevered-micropiles and/or horizontal bored “soil nail walls” at the east property line including >40 feet high buttress retaining wall and also same at the north property line. These proposed methods of maximizing and stabilizing the perimeter excavations setbacks is interesting but has limitations due to the inherent instability of the existing geological layers/stratas with several possible unconfined aquifers at varying depths. Geocon reports that several borings conducted “perched” the subareas of

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4B-8

are maintained, including minimizing any potential effects on adjacent properties. It should be noted that the structures proposed would be three stories in height, not four, in accordance with height restrictions of the coastal zone.

4B-8

Comment Summary:

The commenter requests that the maximum proposed building height be below the top of wall elevation and identifies concerns pertaining to: encroachment into natural steep slopes; the potential for presence of an unconfined subsurface aquifer and related effects of storm events and onsite drainage observed; and construction of proposed soil nail walls with concern for subsurface water and effects on onsite and adjacent properties. The commenter asserts that an insurance liability coverage policy should be maintained in perpetuity to the satisfaction of the community. The commenter also identifies a geologic publication on local earthquake faults for reference.

Response:

Refer to Master Response 4 pertaining to grading. All grading proposed and construction would occur in conformance with the California Building Code and other local engineering design regulations, as well as recommendations of the Geotechnical Investigation prepared for the project (Geocon 2022), to ensure that geological and public safety are maintained, including minimizing any potential effects on adjacent properties. Recommendations made in the geotechnical report would ensure that proper engineering techniques are utilized, including in the event that groundwater is encountered, to address any site-specific conditions identified during subsurface work, grading, and construction; however, it is not anticipated that an unconfined aquifer is present beneath the project site. The issue of maintaining an insurance liability coverage policy is not an environmental issue of concern relative to CEQA.

The City acknowledges the reference to the geologic publication on local faults. This comment is informational only; no further response is required.

moist geological layers, suggesting pathways of irrigation water or possible leaking underground water distribution piping, exist.

Cantilevered-micropiles require penetration into bedrock for stability, so states the manufacturers of these systems.. The Geocon Report does not discuss bedrock, nor were the conducted borings advanced to encounter bedrock. In fact groundwater depth is also not known, however Piraeus Street at Plato Place is 80 ft +/- AMSL or Batiquitos Lagoon, located 400 yards +/- to the north.

With the presence of the high voltage 12.6 kV distribution overhead power lines under tension supported by 45ft. +/- wooden poles with an "Underbuild" sub-transmission lines and multiple stepdown transformers provide utility power to the community. If a "soil nail wall" is constructed perpendicular to the Cannon Property east property line the multiple vertical and horizontal centerline distances of the 12 inch diameter horizontal west to east borings will potentially undermine the existing SDG&E power poles. With hundreds of horizontal borings each one represents a pathway for subsurface water to travel and thereby potentially destabilizing the Cannon Property soils and the contiguous properties east of the Cannon Property.

It is strongly recommended therefore, that Lennar shall underground all electrical utilities and communication cables currently supported by the SDG&E power poles, to avoid undermining/destabilizing the existing power poles and contiguous properties to east.

Geocon stated that limited literature was available towards information on Earthquakes and Faults in San Diego County. The ECC reminds Geocon of a publication authored by Professor Phillip Kern, PhD, Geology SDSU, entitled *Earthquakes and Faults in San Diego County, ed., 1989*.

3.1 AESTHETICS

3.1.1 Existing Conditions. The land is currently vacant. Two (2) acres were permitted to be used as an agricultural operation in accord with the EMC Title 30, 30.33 Urban Agriculture whereby the property was cultivated for agricultural purposes for approximately the years 1998 to 2010. See aerial photographs Appendices A. The property is subject to EMC Title 30, 30.32 Ecological Resource Zone; EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone; EMC Title 30, 34.40 Floodplain Overlay Zone. Specifically the north property line overlies a natural floodplain ravine receiving water course surface waters from the contiguous and adjacent properties to the east property line.

- Historically unstable geology, with the known visible State of California registered "La Costa Fault" located 150 yards east of the Piraeus Street/La Costa Avenue juncture. The La Costa Fault is listed and depicted in the State Geologic files. As noted, the La Costa Fault is visible from La Costa Avenue inland north bluff face, south of Batiquitos Lagoon and traverses in a south westerly direction towards Piraeus Street. See page 7 and Appendices A.

3.1.2 Analysis of Project Effects and Determination as to significance. The Bulk and Mass of the proposed condominiums will be out of character with the community in violation of the EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone. It is proposed that 149 Unit *Piraeus Point Townhomes* will be constructed on Zoned RR-2 vacant land. The gross calculated area is 6.692 acres (as submitted by the Applicant to the City, Form S, February 3, 2022) subject to EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone, specifically grading of steep slopes. The net buildable area on APN: 254-144-01-00 is 6.692 acres +/-.

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4B-9

4B-10

4B-9

Comment Summary:

The commenter asserts that two acres onsite were formerly permitted to be used as an agricultural operation pursuant to the Encinitas Municipal Code (EMC) and that the land was previously cultivated for agricultural purposes. The commenter asserts that the project site is subject to Municipal Code Title 30, 30.32 Ecological Resource Zone; EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone; and EMC Title 30, 34.40 Floodplain Overlay Zone, and that the "north property line" overlies a natural floodplain ravine receiving surface waters from adjacent properties to the east. The commenter also notes proximity of the site to the La Costa Avenue Fault and historic geologic instability in the area.

Response:

As identified in EIR Section 4.1, Agriculture and Forestry Resources, the subject site does not support any designated California Department of Conservation Farmland, nor would it result in the conversion of any such lands to non-agricultural use. The site has not been used for agricultural purposes in recent years, nor is the site zoned for agricultural use. No effects on or loss of agricultural resources would result with the project.

Additionally, as shown in EIR Section 3.3, Biological Resources, there are no jurisdictional wetlands and/or waterways in the project area that would be affected by direct removal, filling, or hydrological interruption, nor would the project alter the course of a stream or river, as no such features are present on-site. No Special Flood Hazard Areas are located within the immediate project vicinity, and the project site lies outside of the FEMA-mapped 100year floodplain. The commenter does not specify what the concern is relative to the "natural floodplain ravine." No further response is required.

Refer to Response 4A-8 pertaining to the La Costa Avenue Fault.

4B-10

Comment Summary:

The commenter asserts that the bulk and mass of the project would conflict with the surrounding character and that it would violate the

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moist geological layers, suggesting pathways of irrigation water or possible leaking underground water distribution piping, exist.

Cantilevered-micropiles require penetration into bedrock for stability, so states the manufacturers of these systems.. The Geocon Report does not discuss bedrock, nor were the conducted borings advanced to encounter bedrock. In fact groundwater depth is also not known, however Piraeus Street at Plato Place is 80 ft +/- AMSL or Batiquitos Lagoon, located 400 yards +/- to the north.

With the presence of the high voltage 12.6 kV distribution overhead power lines under tension supported by 45ft. +/- wooden poles with an "Underbuild" sub-transmission lines and multiple stepdown transformers provide utility power to the community. If a "soil nail wall" is constructed perpendicular to the Cannon Property east property line the multiple vertical and horizontal centerline distances of the 12 inch diameter horizontal west to east borings will potentially undermine the existing SDG&E power poles. With hundreds of horizontal borings each one represents a pathway for subsurface water to travel and thereby potentially destabilizing the Cannon Property soils and the contiguous properties east of the Cannon Property.

It is strongly recommended therefore, that Lennar shall underground all electrical utilities and communication cables currently supported by the SDG&E power poles, to avoid undermining/destablizing the existing power poles and contiguous properties to east.

Geocon stated that limited literature was available towards information on Earthquakes and Faults in San Diego County. The ECC reminds Geocon of a publication authored by Professor Phillip Kern, PhD, Geology SDSU, entitled *Earthquakes and Faults in San Diego County, ed., 1989*.

3.1 AESTHETICS

3.1.1 Existing Conditions. The land is currently vacant. Two (2) acres were permitted to be used as an agricultural operation in accord with the EMC Title 30, 30.33 Urban Agriculture whereby the property was cultivated for agricultural purposes for approximately the years 1998 to 2010. See aerial photographs Appendices A. The property is subject to EMC Title 30, 30.32 Ecological Resource Zone; EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone; EMC Title 30, 34.40 Floodplain Overlay Zone. Specifically the north property line overlies a natural floodplain ravine receiving water course surface waters from the contiguous and adjacent properties to the east property line.

- Historically unstable geology, with the known visible State of California registered "La Costa Fault" located 150 yards east of the Piraeus Street/La Costa Avenue juncture. The La Costa Fault is listed and depicted in the State Geologic files. As noted, the La Costa Fault is visible from La Costa Avenue inland north bluff face, south of Batiquitos Lagoon and traverses in a south westerly direction towards Piraeus Street. See page 7 and Appendices A.

3.1.2 Analysis of Project Effects and Determination as to significance. The Bulk and Mass of the proposed condominiums will be out of character with the community in violation of the EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone. It is proposed that 149 Unit *Piraeus Point Townhomes* will be constructed on Zoned RR-2 vacant land. The gross calculated area is 6.692 acres (as submitted by the Applicant to the City, Form S, February 3, 2022) subject to EMC Title 30, 30.34.030 Hillside/Inland Bluff Overlay Zone, specifically grading of steep slopes. The net buildable area on APN: 254-144-01-00 is 6.692 acres +/-.

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City's Municipal Code relative to the Hillside/Inland Bluff Overlay Zone specific to the grading of steep slopes. The commenter states that the gross calculated area and net buildable area is 6.692 acres.

Response:

Refer to Master Response 4. The parcel proposed for development is approximately 6.88 gross acres and 5.36 net acres, as indicated in Section 2.0, Project Description, of the EIR [County of San Diego Assessor parcel number (APN) 254-144-01-00]. The commenter does not identify a specific concern as to the acreage stated for the subject parcel, and no issue of environmental concern is raised; no further response is required.

3.1.3 Cumulative Impact Analysis. The proposed project will have a highly visible and adverse impact on visual scenic vistas/corridors. The site is currently a vacant inland bluff, covered with native species. It is one of the first major landforms on the northern boundary of the City of Encinitas. Its visual character complements the Batiquitos Lagoon and existing State owned mitigated Pristine Habitat Preservation Parcel Bluff-Mesa to the north and adds visual appeal for motorists/tourist on the I-5 freeway and La Costa Avenue. The Applicant's proposed project, with its excessive grading (60,000 +/- cubic yards) and the addition of 16 massive, 40 foot +/- high bulky structures, would significantly degrade the existing visual scenic character and quality of the inland bluffs and its surroundings. The ECC wants to be perfectly clear that this proposed 149 Unit **Piraeus Point Townhomes** Housing Element project is inappropriate for this specific location for the following reasons below and permission to construct shall be denied.

The ECC strongly recommends as previously proposed and supported by the City of Encinitas in 2017 that the Cannon Property Parcels A and B shall be purchased for the sole purpose as an environmental mitigation property for habitat preservation at the present market rate. A Habitat Management Plan (HMP) shall be developed per SANDAG Mitigation Standards, the Parcels shall be enhanced and held in perpetuity by SANDAG as a habitat preservation parcel continuing the connectivity to the southern shore of Batiquitos Lagoon.

3.2 AIR QUALITY. This section addresses potential air quality impacts that will result from construction and/or operation of the **Piraeus Point Townhomes** project. The following addresses the existing air quality conditions in the project area, identifies applicable regulations, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation and or construction of the proposed 149 Townhome(s) subdivision.

3.2.1 Existing Conditions. Air quality and dispersion of air pollution in an area is determined by such natural factors as topography, meteorology, prevailing winds (summer and winter) and climate, coupled with atmospheric stability. The factors affecting the dispersion of air pollution, i.e., motor vehicle emissions, with respect to the air basin are discussed below.

Topography. The topography in the San Diego Air Basin (SDAB) varies greatly, from beaches on the west to mountains and desert to the east. The topography in between consists of inland coastal bluffs, mesa tops intersected by natural canyon areas. The region's topography influences air flow and the dispersal and movement of air borne pollutants in the basin. The mountains to the east prevent air flow mixing and prohibit dispersal of pollutants in that direction.

- **Meteorology and Climate.** Encinitas, is a coastal area, has a Mediterranean Sea type climate characterized by warm, dry summers and mild, wet winters. The mean annual temperature in the City is 60 degrees Fahrenheit (°F). The average annual (wet season) precipitation is 11 inches, from November to April. Winter low temperatures average 54°F, and summer temperatures average 71°F. The average relative humidity is 69 percent and is based on the yearly average humidity at LindberghField.
- The dominant meteorological feature affecting the region is the Pacific High Pressure Zone, which produces the prevailing westerly to northwesterly winds. These winds tend to blow pollutants away from the coast toward the inland areas. Consequently, air quality near the coast is generally better than that at the base of the coastal mountain range. Most of the city consists

4B-11

4B-12

4B-11

Comment Summary:

The commenter asserts that the project would have an adverse effect on visual scenic vistas/corridors within the surrounding setting. The commenter also asserts that the proposed grading, building height, and density would “significantly degrade the existing visual scenic character and quality” of the bluffs and surroundings. The commenter also states opposition to the project at the proposed location and notes that the City should consider that the site was previously proposed as a mitigation site for habitat preservation.

Response:

Refer to Master Response 4. The site is identified in the City's HEU and is zoned for residential development to assist the City in meeting state housing mandates. The project proposes the northernmost parcel as a preserve area for purposes of habitat mitigation.

4B-12

Comment Summary:

The commenter provides a summary of existing conditions, topography, meteorology, and climate for the local area. The commenter raises concern for potential health effects on project residents due to exposure to toxic air pollutants generated by traffic traveling on I-5, both within the interior of their homes as well as from use of the rooftop decks. The commenter asserts that such conditions would be exacerbated by project generated vehicle trips onsite and resulting potential concentrations of harmful pollutants that may affect project residents and the Leucadia community. The commenter also makes reference to the FHWA's Interim Guidance on Air Toxic Analysis in the NEPA Documents.

Response:

Potential effects of a project on itself are not subject to evaluation per CEQA requirements; rather, CEQA requires an analysis of the effects of a project on the environment. Whether emissions from vehicles driven by project residents would concentrate onsite and enter the interior of the

of coastal plains, which lie adjacent to the Pacific Ocean and extend approximately 6 miles east of the Pacific Ocean. Because of its locational advantage, the easterly portion of the city has a mild climate with cool summers on the coast, where marine fog (layer) is common.

- The **Piraeus Point Townhomes** project is located within 200 meters of I-5 Interstate Highway - which lies in a valley surrounded by coastal bluffs and ravines between Encinitas Boulevard to the south and La Costa Avenue to the north, - where more than 200,000 vehicles travel each day. The location of **Piraeus Point Townhomes** is also in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed Air Toxics known as Green House Gases (GHG's)—CO₂, CH₄, N₂O, HFCs, PFCs, including sulfur hexafluoride (SF₆)—in the specific project location atmosphere threatens the public health and welfare of current and future generations.
- This EIR DRAFT review (as previously twice submitted to the City of Encinitas and Lennar) again provides information on Air Toxics which is integral with the air quality in the I-5 Interstate transportation corridor. This project lies within less than 200 meters of I-5 a major interstate freeway with more than 200,000 vehicles travelling each day, whereby the residents of **Piraeus Point Townhomes** will be subjected to and breathing daily, the identified Air Toxics.

- Toxic air pollutants-also known as Hazardous Air Pollutants or HAPs-are those that are known to cause or suspected of causing cancer or other serious life-threatening health ailments. The

Clean Air Act Amendments of 1990 listed 188 HAPs and addressed the need to control toxic emissions from the transportation sector. In 2001, EPA issued its first Mobile Source Air Toxics Rule, which identified 21 Mobile Source Air Toxic (MSAT) compounds as being hazardous air pollutants that required regulation. A subset of six of these MSAT compounds were identified as having the greatest influence on health to the population living within a 200-meter radius of a major Interstate Freeway, i.e., I-5. These MSAT compounds or GHG's are as noted as follows: CO₂, CH₄, N₂O, HFCs, PFCs and SF₆.

- It would be unconscionable for the City to ignore the data on known health effects and approve this densely compacted project thereby subjecting the **Piraeus Point Townhome** residents and the surrounding community to known carcinogen pollutants, i.e., benzene, 1,3-butadiene, formaldehyde, acrolein, acetaldehyde, and diesel particulate matter (DPM). The City and the developer are aware of the prevailing wind from the SW to the NW. Therefore, the emission gases and particulates from Interstate I-5 corridor, will circulate within the townhome structures will be breathed and thereby affect every one of the project 455 or more residents, adults and children. Exacerbating this indirect emission issue is the actual on-site generation of emissions including Green House Gases (GHG) emanating from the 300 or more residential and service vehicles making 1,980 Vehicle Trips per Day (MVT) or more than 693,500 MVT's per year from this 2.017 internal roads/drive aisles acre site. This extreme concentration of cancer causing pollutants will be detrimental to the quality of life to the Leucadia community.
- To address stakeholders concerns and requests for a MSAT analysis during project development and mitigation, the Federal Highway Administration (FHWA) developed the

4B-12
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proposed homes is not relevant to the EIR analysis; no further analysis is required in this respect.

Refer to Response 4A-6. As indicated in EIR Section 3.2, Air Quality, an HRA was prepared to evaluate potential health risks to project residents due to Diesel Particulate Matter originating from proximity to I-5; refer to EIR Appendix C-2. To ensure that pollutant levels of concern for the proposed residential units remain below significance thresholds, mitigation measure AQ-1 would require installation of MERV-16 filtrations systems within each residence to reduce potential indoor levels of PM_{2.5}. As identified in the EIR, such impacts would be reduced to less than significant with mitigation incorporated.

As demonstrated in EIR Section 3.2, Air Quality, emissions generated by project-related vehicle traffic would not exceed established San Diego Air Pollution Control District thresholds. Impacts would be less than significant. The City acknowledges the commenter's reference to the FHWA's "Interim Guidance on Air Toxic Analysis in the NEPA Documents."

Interim Guidance on Air Toxic Analysis in the National Environmental Policy Act (NEPA) Documents.

3.2.2 Regulatory Framework

FEDERAL

- **Non-Attainment Ambient Air Quality Standards Area.** The project location is in a Non-Attainment Ambient Air Quality Standards Area. The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆—in the atmosphere threaten the public health and welfare of current and future generations.

Green House Gases (GHG) Endangerment. In *Massachusetts v. Environmental Protection Agency* 549 U.S. 497 (2007), decided on April 2, 2007, the Supreme Court found that four GHGs, including CO₂, are air pollutants subject to regulation under Section 202(a)(1) of the Federal Clean Air

Act (CAA). The Court held that the EPA Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the EPA Administrator signed two (2) distinct findings regarding GHGs under section 202(a) of the CAA:

- **Endangerment Finding.** The U.S. EPA Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding.** The U.S. EPA Administrator finds that the combined emissions of these well-mixed GHGs from motor vehicles and motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.
- These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed. The U.S. Supreme Court upheld the EPA Administrator's findings.

CALIFORNIA

Legislative Actions to Reduce GHGs

- The State of California legislature has enacted a series of bills to reduce GHGs. AB 32 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions.

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4B-13

4B-13

Comment Summary:

The commenter asserts that the project site is located in a non-attainment ambient air quality standards area and cites a legal case and findings as to the potential for GHG emissions to adversely affect public health and welfare. The commenter also refers to a number of state regulations pertaining to the reduction of GHGs (e.g., AB 32). The commenter asserts that emissions generated by the project make it a likely candidate for review pursuant to Regulations Rule 20.3 for New Source Review of vehicle emission pollutants by the San Diego County Air Pollution Control District.

The commenter defines sensitive receptors and asserts that residents of Piraeus Point would be exposed to onsite emissions from vehicle trips generated by the project. The commenter further asserts that pollutants generated would enter the interior of the units and/or affect rooftop occupants; be drawn in by the HVAC systems ventilation air; or be transported to neighborhoods to the southwest and northeast.

Response:

Potential effects of a project on itself are not subject to evaluation per CEQA requirements; rather, CEQA requires an analysis of a project's effects on the environment. Whether emissions from vehicles driven by project residents would concentrate onsite and enter the interior of the proposed homes is not relevant to the EIR analysis; no further analysis is required in this respect. The project would be implemented in accordance with applicable state and local air quality regulations, and as required by the APCD.

Section 3.2, Air Quality, and Section 3.5, Energy Conservation and Climate Change, of the EIR consider the potential effects of project operational emissions, including from automobiles. As analyzed, emissions generated by vehicle traffic associated with the project would not exceed established San Diego Air Pollution Control District thresholds for the pollutants of concern and would not contribute to a significant impact relative to air quality or GHG emissions from project-generated vehicles, nor result in adverse effects on the surrounding community.

- **AB 32.** The California State Legislature enacted AB 32, which requires that GHGs emitted in California as defined include CO₂, CH₄, N₂O, HFCs, PFCs, SF₆, and nitrogen trifluoride. The California Air Resources Board (CARB) is the state agency charged with monitoring and regulating sources of GHGs. AB 32 further states the following:

“Global warming poses a serious threat to the economic well-being of Californians, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems,an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

LOCAL

- The accumulation of on-site generated pollutants makes this project a likely candidate for the Applicant to submit to the San Diego County APCD a review of the Regulations Rule 20.3 for New Source Review (NSR) of vehicle emission pollutants whether stationary or mobile based on the health effects and GHG. Therefore, an NSR may be socially justified by SDC/APCD.

3.2.3 Analysis of Project Effects and Determination as to significance. Sensitive populations (sensitive receptors) in proximity to localized sources of toxics and carbon monoxide are of concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

- The >455 residents of **Piraeus Point Townhomes** are sensitive receptors to the emissions emitted from more than 300 motor vehicles making at least **1,980** motor vehicle trips per day with primarily gasoline fueled vehicles, or more than 358,000 MVT annually from the net 2.017 acres consisting of internal roads and drive aisles. The gasoline base emissions pollutants consist of but not limited to: O₃, CO, CO₂, benzene, 1,3-butadiene, formaldehyde, acrolein, acetaldehyde, and diesel particulate matter (DPM).
- The on-site source of airborne pollutants will rise vertically 40 feet from the drive aisles/garages located between the 16 townhome row type structures into open windows of the 149 townhomes up to the “roof- yard.” The polluted air will then be drawn into the roof top heat pump/AC unit(s) as ventilation air. Additionally, the polluted air will be further transported by the SW to NE prevailing wind to the adjacent community. Therefore, the carcinogen pollutants and particulates generated on-site will be breathed, absorbed and will affect every resident of the **Piraeus Point Townhome** subdivision and also the surrounding community residents.

3.2.4 Cumulative Impact Analysis. The air quality impact to the **Piraeus Point Townhomes** subdivision will be significant due to the extreme high density of the 149 stacked four-story townhomes on 6.93 acres net/gross. The surrounding 24 feet wide drive aisles or internal transit areas between the 16, 40 feet high, 4-story row type townhomes, used for egress and ingress is approximately 2.017 acres.

The motor vehicle emissions will be concentrated in these narrow 24 feet wide transit (drive aisles) areas as the residents exit and enter their garages. The accumulation of gasoline/petroleum base pollutants, i.e., Greenhouse Gases (GHG) will be significant and

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4B-14

4B-14

Comment Summary:

The commenter asserts that the “air quality impact to the (project) will be significant due the extreme high density” proposed. The commenter asserts that emissions from project-related vehicle movements onsite would be concentrated along the drive aisles between the proposed structures as residents enter/exit their garages, adversely affecting onsite residents and the surrounding neighborhood. The commenter asserts that, due to the narrow drive aisles proposed, residents would have to wait for others to maneuver in/out of their garages as the drive aisle would otherwise be blocked. The commenter also asserts that, with consideration for project-related vehicle trips (including residents, deliveries, trash pick-up, moving vans, etc.), the project is a “potential candidate for a NSR of the motor vehicle emissions and therefore consideration of an analysis by San Diego County ACPD Regulation NSR Rule 20.3.”

Response:

Refer also to Response 4B-13; potential project effects on project residents (“onsite” impacts) do not require evaluation pursuant to CEQA. Section 3.2, Air Quality, and Section 3.5, Energy Conservation and Climate Change, of the EIR provide a cumulative analysis of emissions generated by project operations. Such emissions would not exceed the adopted significance thresholds and would therefore be less than significant.

injurious to the health of not only the 455 +/- residents but also will affect the surrounding community. It should be noted that due to the narrow drive aisles the residents when exiting or entering their garages are essentially blocking their neighbor from exiting until maneuvering of their vehicle has been completed permitting the next waiting neighbor to exit their garage, and so forth. This scenario has been observed at an identical 3 story stacked townhomes subdivision known as Seagrove Townhomes, 2533 State Street, Carlsbad, CA 92008. See photos.



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- An average motor vehicle per the US EPA emits annually 37,333 lbs/CO₂. With more than 300 vehicles including, service vehicles, trash trucks, moving vans, visitors, etc., entering/leaving on a daily basis making more than 1,980 motor vehicle trips per day all within a concentrated area of 2.017 acres cannot be ignored. The accumulation of pollutants makes this project a potential candidate for a NSR of the motor vehicle emissions and therefore consideration of an analysis by SDC/APCD Regulations NSR Rule 20.3.
- Further, as a cumulative effect the Municipal Solid Waste (MSW), i.e., household trash, generates GHG consisting of CH₄ (methane gas) CO₂e (carbon dioxide equivalency). The total of GHG generated by MSW at **Piraeus Point Townhomes** site is based on the following: *4.9lbs MSW/day/per person, x 375 (residents) x 365 = 670,687 lbs/yr or 335 tons. The percentage of recycled materials = 32.1% the net MSW transported to a landfill is 455,396 lbs. The amount of CH₄ and CO₂e = emitted from landfilled MSW = 39% or 88 Metric Tons (MTT).
- Therefore, the cumulative effect of vehicle exhaust gases and the MSW is significant and is harmful to the health and quality of life for the **Piraeus Point Townhomes** and the community.
- Re: The U.S. EPA states that GHG gases CH₄, CO₂e are a serious contributor to the overall GHG emissions. *Center for Sustainable Systems University of Michigan.
- **Construction Activities Emissions.** Project construction activities would generate CO₂e and CH₄ emissions. Detailed project construction equipment and scheduled timeline of construction has been made available per the DRAFT EIR. The soil grading alone will require 6,345 +/- 10 CY/13 ton dump trucks over a 10 +/- month (220 days) projected schedule. This quantity of truck trips equates to 29 truck trips per 8 hour day or approximately 1 truck per 15 minutes passing through the Piraeus Street/La Costa Avenue intersection. Standard similar

4B-15

Comment Summary:

The commenter considers cumulative effects of the project and provides calculations of GHG emissions from landfills that would result from project-related solid waste generation and disposal.

Response:

The commenter provides calculations for the generation of solid waste without providing a reliable source for the data, operational assumptions made, or how such percentages were calculated for the project. The comments provided do not question the adequacy of the EIR analysis, nor identify a specific concern related to environmental issues evaluated in the EIR. Section 3.5, Energy Conservation and Climate Change, of the EIR provides an evaluation of operational GHG emissions from the project. Impacts were determined to be less than significant and no mitigation is required in this regard.

4B-16

Comment Summary:

The commenter asserts that the cumulative effect of vehicle exhaust gases and Municipal Solid Waste is significant and would be harmful for project residents and the surrounding community.

Response:

Please refer to Responses 4B-14 and -15.

4B-17

Comment Summary:

The commenter states that construction emissions for construction worker vehicles and vendor trips shall be conducted per CalEEMod or equal and tabulated within the EIR.

Response:

Construction emissions associated with the proposed project were estimated using CalEEMod version 2020.4.0 and are tabulated in Table 3.2-5: Expected Construction Emissions Summary (pounds per day) in

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type construction equipment and duration have been estimated and the results have been tabulated. Construction related emissions are expected from the construction activities per the following:

- Crushing
- Grading
- Building Construction
- Paving
- Architectural Coating

Construction Vehicle Trips

Construction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips (construction materials delivered to the Project site) etc., shall be conducted per CalEEMod, or equal and tabulated within the project EIR.

- **Construction Equipment.** Typical site specific construction fleet may vary due to specific project needs at the time of construction. The associated construction equipment by phase is detailed in Table 3.2.4:

TABLE 3.2.4 MOTORIZED CONSTRUCTION
EQUIPMENT ASSUMPTIONS

Activity	Equipment	Amount	Hours Per Day
Site Preparation/Grading, Excavation	10 CY/ 13-ton dump Trucks	6,345 over 220 days	8
	Rubber Tired Dozers	TBD	TBD
Compaction	Roller	TBD	TBD
Grading/Trenching//Excavation	Crawler Tractors	TBD	TBD
	Excavators	TBD	TBD
	Graders	TBD	TBD
	Rubber Tired Dozers	TBD	TBD
Building Construction	Cranes	TBD	TBD
	Crawler Tractors	TBD	TBD
	Forklifts	TBD	TBD
	Generator Sets/Diesel	TBD	TBD

4B-17
cont'd

Section 3.2, Air Quality, of the EIR. Refer also to Appendix C-1, Air Quality Assessment, of the EIR for related modeling data.

4B-18

Comment Summary:

The commenter provides a table of motorized construction equipment assumptions for the proposed project. Several columns have missing/incomplete information, indicating “tabulation to be completed by others.”

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required. Refer to subsequent comments below.

4B-18

	Welders/Diesel Gen-Set	TBD	TBD
Paving	Pavers	TBD	TBD
	Paving Equipment	TBD	TBD
	Rollers	TBD	TBD
Architectural Coating	Air Compressors	TBD	TBD

Source: CalEEMod model output, See Appendix 3.1 detailed model outputs. Tabulation to be completed by others

- **Construction Emission Summary.** The construction phase Project emissions, GHGs shall be quantified and amortized over the construction life of the Project per the San Diego County Air Pollution Control District Published Regulations Rules and Guidelines. Discounting the daily emission that the community will be breathing is an affront and an insult to the Leucadia Community. The community will be sitting behind these dump trucks as they idle at the Piraeus/La Costa Av., intersection waiting for a signal change., every 15 minutes for 10 months or longer This future real time exposure to the typical 6,345 dump trucks journey through Leucadia is one that can not be ignored by the City of Encinitas nor by Lennar.

- **Operational Emissions.** Operational activities associated with the proposed Project will result in emissions of CO₂, CH₄, and N₂O from the following primary on-site mobile and stationary sources which shall be tabulated and presented in the Lennar DRAFT EIR: and any future EIR's.

- Area Source Emissions
- Energy Source Emissions
- Mobile Source Emissions
- Water Supply, Treatment, and Distribution
- Solid Waste
- BBQs
- HVAC

3.2.4 Response to the DRAFT scoping EIR Air Quality is as follows:

- The Elimination of the Risk of Cancer to the Piraeus Point Townhome residents due to the proximity of the Interstate I-5 Freeway is preposterous and an assault on the commonsense of the proposed project residents and is based on a probability of use of the home to avoid cancer. The sampling points on the subject site indicated that a significant risk was evidentiary.
 - However, the consultant discounted the health risk by indicating that air tight homes provide for protection from air bourn contaminants. There is no addressing the fact that these homes have roof top yards/decks, an occupiable level, which are promoted by Lennar for the residents to use for recreation. Is Lennar going to install a sign for each roof top "Use the roof deck at your own risk" since you will contract cancer when enjoying the view of the freeway?
 - The all electric homes will have heat pumps to provide heating and cooling. Most likely a small manual outside air intake damper will be adjusted to provide 15 CFM per person (per CA Title 24, Mechanical Code when operational. This setting would be fixed, if it exists at all. With tight residential homes ventilation is required for bathrooms where there are no outside windows and or operable if designed as such. Kitchen and bathroom exhaust air fans require makeup air including laundry clothes dryers to complete the ventilation cycle. The makeup air will be

4B-18
cont'd

4B-19

4B-20

4B-19

Comment Summary:

The commenter asserts that construction phase emissions shall be quantified and amortized over the construction period per San Diego County Air Pollution Control District Published Regulations Rules and Guidelines. The commenter also asserts that the community's exposure to dump trucks during the construction period cannot be ignored.

Response:

Potential impacts of project construction are adequately analyzed in Section 3.2, Air Quality, and Section 3.5, Energy Conservation and Climate Change, of the EIR. Based on CalEEMod estimations, construction emissions would not exceed San Diego Air Pollution Control District established thresholds for criteria pollutants (carbon monoxide, reactive organic gases, nitrogen oxide, sulfur dioxide, coarse particulate matter, and fine particulate matter) for each year of construction. As project criteria pollutant emissions during construction would not exceed SDAPCD air quality standards and would be temporary, impacts would be less than significant in this regard.

Additionally, as analyzed in EIR Section 3.5, based on expected construction activities and equipment shown in Table 3.5-3, Expected Construction CO₂e Emissions MT/Year, project construction would generate 880.72 MTCO₂e over the construction life of the project. Lead agencies, including the SDAPCD and the County of San Diego, recommend that construction emissions be amortized (i.e., total construction emissions divided by the lifetime of the project, assumed to be 30 years) over a 30-year period to account for the contribution of construction emissions over a project's lifetime. As such, amortizing the emissions from project construction over a 30-year period would result in an annual contribution of approximately 29.36 MTCO₂e per year. These emissions are added to operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the project. As such, GHGs from project construction were amortized over the construction life of the project, contrary to the commenter's statement. Construction vehicle trips (including soil hauling and resulting emissions) are accounted for in the modeling runs provided in EIR Appendix C-1. Therefore, such trips have not been "ignored," and

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	Welders/Diesel Gen-Set	TBD	TBD
Paving	Pavers	TBD	TBD
	Paving Equipment	TBD	TBD
	Rollers	TBD	TBD
Architectural Coating	Air Compressors	TBD	TBD

Source: CalEEMod model output, See Appendix 3.1 detailed model outputs. Tabulation to be completed by others

- **Construction Emission Summary.** The construction phase Project emissions, GHGs shall be quantified and amortized over the construction life of the Project per the San Diego County Air Pollution Control District Published Regulations Rules and Guidelines. Discounting the daily emission that the community will be breathing is an affront and an insult to the Leucadia Community. The community will be sitting behind these dump trucks as they idle at the Piraeus/La Costa Av., intersection waiting for a signal change., every 15 minutes for 10 months or longer This future real time exposure to the typical 6,345 dump trucks journey through Leucadia is one that can not be ignored by the City of Encinitas nor by Lennar.
- **Operational Emissions.** Operational activities associated with the proposed Project will result in emissions of CO₂, CH₄, and N₂O from the following primary on-site mobile and stationary sources which shall be tabulated and presented in the Lennar DRAFT EIR: and any future EIR's.
 - Area Source Emissions
 - Energy Source Emissions
 - Mobile Source Emissions
 - Water Supply, Treatment, and Distribution
 - Solid Waste
 - BBQs
 - HVAC

3.2.4 Response to the DRAFT scoping EIR Air Quality is as follows:

- The Elimination of the Risk of Cancer to the Piraeus Point Townhome residents due to the proximity of the Interstate I-5 Freeway is preposterous and an assault on the commonsense of the proposed project residents and is based on a probability of use of the home to avoid cancer. The sampling points on the subject site indicated that a significant risk was evidentiary.
 - However, the consultant discounted the health risk by indicating that air tight homes provide for protection from air bourn contaminants. There is no addressing the fact that these homes have roof top yards/decks, an occupiable level, which are promoted by Lennar for the residents to use for recreation. Is Lennar going to install a sign for each roof top "Use the roof deck at your own risk" since you will contract cancer when enjoying the view of the freeway?
 - The all electric homes will have heat pumps to provide heating and cooling. Most likely a small manual outside air intake damper will be adjusted to provide 15 CFM per person (per CA Title 24, Mechanical Code when operational. This setting would be fixed, if it exists at all. With tight residential homes ventilation is required for bathrooms where there are no outside windows and or operable if designed as such. Kitchen and bathroom exhaust air fans require makeup air including laundry clothes dryers to complete the ventilation cycle. The makeup air will be

4B-18
cont'd

4B-19

4B-20

are instead accounted for in the evaluation of potential project effects resulting with construction.

4B-20

Comment Summary:

The commenter asserts that emissions from certain project mobile and stationary operational activities should be "tabulated and presented in the EIR" as the significant cancer risk to project residents due to the proximity to I-5 was made evident. The commenter notes concern for project residents who would occupy outdoor rooftop yards/decks; "makeup air" for kitchen and bathroom exhaust fans that would be drawn from outdoor air; and drywall that would absorb vapors from dishwashers, subsequently resulting in the growth of mold. Additionally, the commenter asserts that MERV 16 air filters are for commercial installations and that they require a dedicated air filter section.

Response:

Refer to Response 4A-6. The commenter's expressed concerns are related to the existing environment's impact on the project and its future residents (e.g., exposure of project occupants to existing emissions from vehicles traveling on I-5), which are not changes to the physical environment. Impacts of a project do not fall under the provisions of CEQA unless said impacts exacerbate an existing hazard. The project would not exacerbate an existing hazard or result in significant air quality impacts; refer to EIR Section 3.2. Concerns pertaining to "makeup air," the potential for mold, and/or economic costs of maintaining the MERV 16 filters are not issues of environmental concern pursuant to CEQA. The commenter's concerns will be appropriately addressed through City policy and design review.

drawn from the outside which incidentally is contaminated with vehicle pollutants from the I-5 Freeway.

- *It is to be noted that without ventilation air per -CA Title 24 Mechanical Code - for smells and odor removal and where no natural infiltration of outside air will occur, only mechanical means shall be available to reduce the potential presence of mold growing in damp locations. Moreso behind dishwashers where steam and high moisture content air is prevalent. The surrounding drywall will absorb these vapors and become saturated thereby creating a basis for airborne bacteria to grow as mold. This will occur unless adequate ventilation is provided and initiated.*
- *Further, residential heat pumps are not normally provided with MERVE 16 filters. MERVE 16 filters are for commercial installations such as hospitals, medical centers. The filter rating for residential units have MERVE 7 ratings or 30% per the NBS/ASTM Dust Spot Test. Further, the residents will not normally operate their Heat Pumps AC units 24/7 their SDG&E electrical bills will be thousands of \$\$ per month at 60 cents kWh. Certainly not the Low, Low, Income, residents living in taxpayer subsidized housing. Most certainly they will not be driving electrical motorized vehicles.*
- *However, the conclusion from LDN Consulting Inc., agrees with ECC that freeway pollutants do represent a significant cancer risk for all residents and recommends the installation of MERVE 16 filters. These typical filters require a dedicated air filter section such as manufactured by Lennox, Air Pack section HCC29-28 complete with a MERV 16 air filter model type X6675. Typical initial static air Pressure Drop (PD) 0.31" w.g. and final/dirty PD 0.40" w.g. It is to be noted that MERVE 16 filters require a manufactured air filter section as per or equal to Carrier #E2XCAB020.; Honeywell #F25A1068. This requirement cannot be ignored.*
- *It is to be noted that the selected manufacturer of the heat pump/AC unit shall provide an air Filter Section as noted in order to accommodate the 20" x 25" x 5" MERV 16 air filter.*

4B-20
cont'd

3.3 BIOLOGICAL RESOURCES

3.3.1 Existing Conditions. Coastal Sage Scrub (CSS) and Southern Maritime Chapparral have been identified and are a part of the Cannon Property Parcels A and B whereby nesting Gnatcatchers, an endangered species, have been observed.

Therefore, if the Gnatcatcher habitat is lost, which is probable, due to the proposed **Piraeus Point Townhomes** development, it is the ECC's understanding that the Cannon Family, per Brian Grover, January 1, 2022, proposed the following:

Mitigation Target Property - Parcel B – APN 216-110-35-00 (4.39 Acres)

The goal of a preservation and mitigation program is to remove the likelihood of a development potential of the "Target" property, i.e., Parcel B. The said program would enhance those areas of CSS where disturbed, through rehabilitation efforts and preserve existing high quality upland habitat through site protection (easements and fence), and manage the "Target" parcel in perpetuity via an approved Habitat Management Plan (HMP) by a designated 3rd Party.

The proposed HMP of the native uplands vegetation communities on Parcel B will preserve:

- Occupied California gnatcatcher habitat by removing extant habitat from the threat of development;

4B-21

4B-21

Comment Summary:

The commenter summarizes existing conditions of the project site relative to biological resources. The commenter also describes the goals of preserving and managing Assessor Parcel Number 216-110-35-00 (proposed offsite preserve area) in perpetuity.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required. Refer to subsequent comments provided.

- Southern Maritime Chaparral and coastal sage scrub habitat and ecosystem continuity through connectivity between coastal wetlands and native uplands;
- Sensitive plants and cultural resources onsite;
- Wildlife connectivity with Batiquitos Lagoon and surrounding native open space that connects to Encinitas Creek and other drainages into the lagoon and out to the Pacific coastline; and,
- Natural topography adjacent to Batiquitos Lagoon that is highly visible from the I-5 Corridor and significantly contributes to the scenic quality and landscape character.

Again, it is understood that the following is a suggestion only whereby, should the Cannon Family Trust, aka Piraeus Investments LLC, decide to offer as "mitigation property, i.e., Parcel A and B" the said properties shall be dedicated and transferred by Quitclaim Deed, or other approved instrument, to SANDAG Environmental Mitigation Working Group. The property shall be held in perpetuity and maintained as a "Natural Habitat and Environmental Preserve." The mitigation property would be administered by an independent 3rd Party,

- See **Appendices D.**, North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program Mitigation Site Assessment for the noted La Costa Preservation Parcel. Prepared by Dudek on behalf of Caltrans, and SANDAG August 2012. Within **Appendices D** are certified maps of the location of CSS, Southern Marine Chaparral, and the California Gnatcatcher. The Cannon Family Trust Properties, aka Piraeus Investments LLC. Parcel A and B are contiguous with the La Costa Mitigation Preservation Parcel thereby providing an existing habitat connectivity for the California Gnatcatcher parallel to the I-5 Scenic Visual Corridor frontage road, i.e., Piraeus Road.
- It is to be noted that there are local CAGN present within the area and that their nesting season is April through August. Thereby, no construction activity shall take place during this time period where nesting CAGN are known to be present within 300 feet of ALL construction activities, including the dump truck route along Piraeus Street, i.g., Parcel B, as noted The nesting locations of all endangered avian species shall be identified, mapped and monitored by the Project Biologist within a 300 foot radius of Piraeus Road and Piraeus Point, Cannon Properties Parcel A and Parcel B.
- Further, Comply with Sections 3503, 3503.5, 3511 and 3513 of the California Fish and Game Code and the federal Migratory Bird Treaty Act, limiting activities to the non-breeding season will minimize chances of incidental take of migratory songbirds or raptors. Should it be necessary to conduct brushing, grading or other site activities during the songbird breeding season, a preconstruction nesting survey of ALL areas within 300 feet radius of Piraeus Point and Piraeus Street of the proposed activity will be required. The results of the survey shall be provided, to the Director of the City of Encinitas Planning Department for concurrence with the conclusions and recommendations of the consulting Biologist.
- It is to be noted that a recent Biologist Field report conducted on a local Bluff-Mesa property has reported visual evidence of the Pacific Pocket Mouse has been observed within the connectivity area of the southern area of Batiquitos Lagoon which includes the area of State owned La Costa Preservation Parcel, Cannon Property Parcel B, Piraeus

4B-21
cont'd

4B-22

4B-22

Comment Summary:

The commenter offers a suggestion should Parcels A and B be offered as mitigation properties to be administered by an independent 3rd party. The commenter asserts that California gnatcatchers are present within the vicinity and that the project site has habitat connectivity with the La Costa Preservation Parcel to the east/northeast. The commenter further asserts that various requirements for gnatcatcher avoidance should be adhered to during construction, and that the project should comply with Sections 3503, 3503.5, 3511, and 3513 of the California Fish and Game Code and the Federal Migratory Bird Treaty Act, limiting construction activities during the breeding season. The commenter asserts that visual observation of the Pacific pocket mouse within the connectivity area of the southern area of Batiquitos Lagoon (which includes the project site and the proposed off-site preserve area) has been documented in a recent biological field report.

Response:

The project proposes the northernmost parcel as a preserve area for biological mitigation purposes and would be managed in perpetuity by a 3rd party entity over the long term. As discussed in EIR Section 3.3, Biological Resources, the preserve area provides wildlife movement opportunities due to its connectivity to open space to the northeast and adjacency to Batiquitos Lagoon. Further, the off-site preserve area contains vegetation structure and topography that does provide unique or additional vegetative cover or shelter from adjacent areas, which is a characteristic of wildlife corridor areas. Therefore, the potential for the proposed off-site preserve area to provide habitat connectivity is recognized.

The project would conform to applicable MBTA requirements and would implement mitigation measures BIO-1, BIO-2, and BIO-5 to require a pre-construction survey for nesting species; regulate ground disturbing activities during the breeding season; and require construction monitoring to ensure potential effects on breeding or nesting avian species are minimized.

Point and south thereof towards Christine Place. The Pacific Pocket Mouse is Federal Endangered Specie once thought to be extinct.

3.3.2 Cumulative Impact Analysis. The loss of the Coastal Sage Scrub (CSS) the Southern Maritime Chapparal that have been identified on the Cannon Family Trust Property aka Piraeus Investment LLC, Parcels A and B including nesting Gnatcatchers, an endangered species, will be significant.

- **The ECC believes the Lennar Draft EIR does not address the Biological Resources concerns as identified herein and therefor the responses are deemed inadequate**

3.4 GEOLOGY and SOILS

3.4.1 Existing Conditions. The bluff and project areas were formed during the Eocene Epoch as the oceans rose and fell. The latest geologic outcroppings elevation 80 feet +/- above mean sea level (AMSL) were developed during the Pleistocene Epoch when the Batiquitos Lagoon was formed and during the retreat of the last ice age known as the Holocene period of 11,800 years. Batiquitos Lagoon was formed as the inland waters meandered to the ocean, namely Encinitas Creek, the Escondido Creek and the San Marcos Creek all drain to Batiquitos Lagoon.

- The proposed project is to be constructed adjacent to pristine inland coastal bluffs that were formed during the early Eocene epoch. During the latter part of the Eocene epoch, a deep bench was formed. During the subsequent Pleistocene epoch, the transgressive and regressive ocean deposition of marine terrace (sandstone) took place. This deposition formed a cap over the bluff area. Over time, the bluff has eroded and deep canyons and rifts are clearly visible, e.g., the sites north property line.
- Based upon the ECC review of the Lennar Homes project Application Package it appears the project will require the export of a minimum of 60,000 +/- CYs of ancient marine terrace deposits and the importation of 11,000 CY (minimum) of “engineered” soil. The soil will be required for compaction in order to establish a base foundation that can support the large 16 townhome stacked structures anchored to monolithic concrete pads.

The project site is located on or within very close proximity to the La Costa Avenue Fault (depicted below), as initially identified by noted geologist Leonard Eisenberg and confirmed by Professor Norrie Robbins, PhD (Geology, San Diego State University).

4B-22
cont'd

4B-23

4B-24

4B-25

The commenter does not provide substantial evidence or documentation to indicate that the federally endangered Pacific pocket mouse was observed on the project site and would therefore be potentially impacted by the project. Focused surveys for Pacific pocket mouse were conducted with negative results; refer to Attachment C of EIR Appendix D. Further, the project site provides low-quality habitat for the Pacific pocket mouse. Project impacts on this species were concluded to be less than significant.

4B-23

Comment Summary:

The commenter asserts that impacts to coastal sage scrub and California gnatcatchers identified on the project site and adjacent preserve area will be significant.

Response:

As described in EIR Section 3.3, Biological Resources, implementation of mitigation measures BIO-1 through BIO-9 would reduce the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS, including the coastal California gnatcatcher and coastal sage scrub.

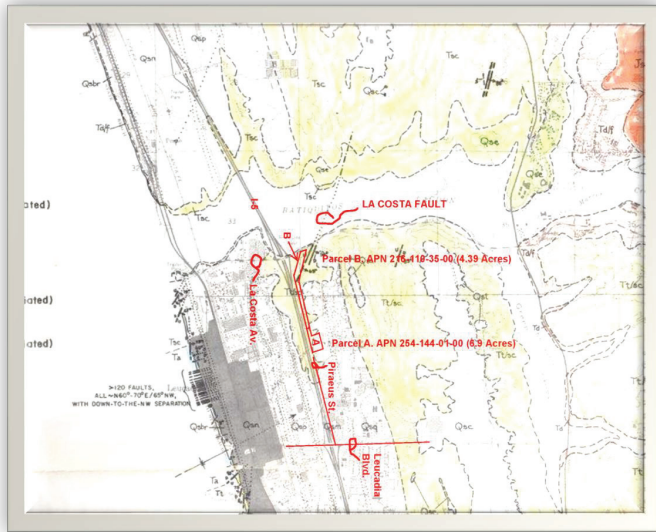
4B-24

Comment Summary:

The commenter indicates that the Encinitas Community Collective believes that the EIR does not adequately address the concerns identified in the comment letter provided.

Response:

Potential project impacts relative to biological resources are adequately analyzed in EIR Section 3.3, Biological Resources. Refer also to Responses 4B-21 to 4B-23, above.



(Source: Leonard Eisenberg)

3.4.2 Regulatory Framework. Pursuant to City of Encinitas Engineering Design Manual Chapter 3, Section 3.604.2 and EMC Chapter 23.24, prior to any Grading Plan Submittal, the project area needs to be investigated per the Alquist-Priolo Act of 1972.

- This requires a Registered Engineering Geologist to conduct a full geologic reconnaissance of the project area to determine potential hazard zones or areas and define the La Costa Avenue Fault Rupture Zone including other known faults underlying Batiquitos Lagoon.
- Geologic Investigations must conform with the California Geologic Survey's Guidelines for Evaluating the Hazard of Surface Fault Rupture and the California Board of Geologists and Geophysicists Geologic Guidelines for Earthquake and/or Fault Hazard Reports.

3.4.3 Threshold for Determination as to significance. The rupture of any known geologic fault has the potential for causing a landslide, should a seismic shaking occur on the high-pressure water mains on the subject property, a potential exists towards causing a rupture of the underground water mains piping distribution system.

- **Site History** - ECC is very much aware and have the history - as does the City of Encinitas - towards how unstable the project site/property has been over the years, with several subsidence(s) events occurring 2 or 3 times over the past 25 years. The City did file a cause of

4B-25
cont'd

4B-26

4B-27

4B-28

4B-25

Comment Summary:

The commenter provides background information and existing conditions at the project site relative to geology and soils. The commenter notes that the project site is located on or within very close proximity to the La Costa Avenue Fault.

Response:

Refer to Response 4A-8 pertaining to the La Costa Avenue Fault. All project groundwork and construction would conform to applicable state and local building codes, as well as recommendations of the site-specific geotechnical report, to ensure potential impacts related to seismic activity remain less than significant.

4B-26

Comment Summary:

The commenter describes the requirements of the City's Engineering Design Manual, which requires a registered engineering geologist to conduct a full geologic reconnaissance of the project area and requires geologic investigations to conform to guidelines of the California Geologic Survey and the California Board of Geologists.

Response:

The EIR, and supporting technical analyses as appropriate, have been prepared by qualified professionals in conformance with applicable local and state regulations and requirements. The Geotechnical Investigation prepared for the project site is included in Appendix G-1 of the EIR. No further response is required.

4B-27

Comment Summary:

The commenter describes thresholds of significance relative to geology and soils and identifies the potential for landslides or rupture of "high pressure water mains on the subject property" as the result of seismic shaking.

action with the California State Superior Court, North County Division, Vista due to the endangerment of life and property due to overwatering by the Agricultural Business operator.

- The ECC requests in advance, a copy of the Geotechnical Investigation Soils Testing Report complete with a site layout indicating the location of the referenced test boreholes, including the water table elevation.

3.4.4 Analysis of Project Effects and Determination as to significance. Significant soil removal will be conducted for a 10 month period. Essentially ALL of the native soil will be removed from the site. 40 foot high reinforced concrete wall will be constructed at the east and north property lines essentially creating a two-sided enclosure creating a less than 16% minimal gradient slope site to enable access by emergency vehicles. There will be trenching for underground utilities and surface water runoff catch basins for drainage control. To protect the surrounding sensitive habitats north of the 40 foot high retaining wall native, drought tolerant plantings shall be planted.

- In order for this subdivision to be constructed the entire site will be removed to accommodate the 16 4 level townhome structures and to enableNote that ignoring the natural continuing erosion process and adding to it by removing the marine terrace deposits 40 feet below natural grade of the north east property line and then landscaping and irrigating with thousands of gallons per year is a great concern to the community.

3.4.5 Cumulative Impact Analysis. It is to be noted that a 4.1 moderate earthquake event occurred Sunday January, 2022 at 9:46 AM in Valley Center, San Diego County, approximately 28 miles NE of the project site. The seismic event was felt in the coastal cities of Encinitas, Carlsbad and Oceanside. Source: www.USGS.com.

- Should the swimming pool be constructed with a typical volume of 25,000 to 45,000 gallons of water the weight of the water and construction would range from 200 to 300 tons respectfully. In the event of a seismic event this volume of water could potentially be destructive

- **The ECC believes the Lennar Draft Scoping EIR does not address the Geology and Soils concerns as identified herein and therefore the responses are deemed inadequate.**

3.5 HAZARDS and HAZARDOUS MATERIALS

3.5.1 Existing Conditions. A 2-acre area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C. Additionally, a record exists of subsidence/landslide due to uncontrolled irrigation of the agricultural crops in 2001 and a resultant lawsuit is on file related to the same. (Among others, Ref., City of Encinitas v. Teresa M. Cannon and DOES, Case No GIN021848-1, Superior Court of the State of California, County of San Diego, North County Division, Vista.)

4B-28
cont'd

4B-29

4B-30

4B-31

4B-32

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they question the adequacy of the EIR. No further response is required.

4B-28

Comment Summary:

The commenter states that the Encinitas Community Collective and the City are aware of the instability of the subject site and asserts that two to three subsidence events have occurred over the past 25 years. The commenter asserts that the City filed a cause of action relative to the endangerment of life and property due to overwatering by the former agricultural business operator of the site.

Response:

As described in Section 3.6, Geology and Soils, of the EIR, in 2001, a documented landslide occurred on-site that closed adjacent Piraeus Street. The landslide debris is unsuitable to be left in place and complete removal would be required during remedial grading operations for the project. Removal of the slope would result in a buttress fill which would mitigate potential future instabilities in this area of the site; refer to EIR Appendix G-1.

Based on the low susceptibility to liquefaction and the formational material units underlying the site, the possibility of earthquake-induced lateral spreading is considered to be low. Subsidence is also not anticipated to be a design factor due to the density of the underlying Very Old Paralac Deposits and Santiago Formation and the lack of groundwater pumping or extraction of other subsurface materials in the surrounding area.

With conformance to California Building Code and local engineering design requirements, combined with recommendations made in the Geotechnical Investigation, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

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<p>action with the California State Superior Court, North County Division, Vista due to the endangerment of life and property due to overwatering by the Agricultural Business operator.</p> <ul style="list-style-type: none">The ECC requests in advance, a copy of the Geotechnical Investigation Soils Testing Report complete with a site layout indicating the location of the referenced test boreholes, including the water table elevation. <p>3.4.4 Analysis of Project Effects and Determination as to significance. Significant soil removal will be conducted for a 10 month period. Essentially ALL of the native soil will be removed from the site. 40 foot high reinforced concrete wall will be constructed at the east and north property lines essentially creating a two-sided enclosure creating a less than 16% minimal gradient slope site to enable access by emergency vehicles. There will be trenching for underground utilities and surface water runoff catch basins for drainage control. To protect the surrounding sensitive habitats north of the 40 foot high retaining wall native, drought tolerant plantings shall be planted.</p> <ul style="list-style-type: none">In order for this subdivision to be constructed the entire site will be removed to accommodate the 16 4 level townhome structures and to enableNote that ignoring the natural continuing erosion process and adding to it by removing the marine terrace deposits 40 feet below natural grade of the north east property line and then landscaping and irrigating with thousands of gallons per year is a great concern to the community. <p>3.4.5 Cumulative Impact Analysis. It is to be noted that a 4.1 moderate earthquake event occurred Sunday January, 2022 at 9:46 AM in Valley Center, San Diego County, approximately 28 miles NE of the project site. The seismic event was felt in the coastal cities of Encinitas, Carlsbad and Oceanside. Source: www.USGS.com.</p> <ul style="list-style-type: none">Should the swimming pool be constructed with a typical volume of 25,000 to 45,000 gallons of water the weight of the water and construction would range from 200 to 300 tons respectfully. In the event of a seismic event this volume of water could potentially be destructive <p>The ECC believes the Lennar Draft Scoping EIR does not address the Geology and Soils concerns as identified herein and therefore the responses are deemed inadequate.</p> <p>3.5 HAZARDS and HAZARDOUS MATERIALS</p> <p>3.5.1 Existing Conditions. A 2-acre area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C. Additionally, a record exists of subsidence/landslide due to uncontrolled irrigation of the agricultural crops in 2001 and a resultant lawsuit is on file related to the same. (Among others, Ref., City of Encinitas v. Teresa M. Cannon and DOES, Case No GIN021848-1, Superior Court of the State of California, County of San Diego, North County Division, Vista.)</p>	4B-28 cont'd	4B-29 <u>Comment Summary:</u> The commenter requests a copy of the Geotechnical Investigation Soils Testing Report.
	4B-29	<u>Response:</u> The Geotechnical Investigation prepared for the proposed project is included in Appendix G-1 of the EIR. The full technical report was circulated with the EIR for the 60-day public review period.
	4B-30	4B-30 <u>Comment Summary:</u> The commenter asserts that essentially all of the native soils onsite would be removed with project grading; that retaining walls constructed at the northern and eastern property boundaries would affect slopes and emergency access; that trenching would occur for undergrounding utilities and drainage control; and that drought tolerant plantings should be planted. The commenter also asserts that erosion and removal of marine terrace deposits 40 feet below natural grade of the northeast property line, as well as landscaping and required irrigation, are of concern to the community.
	4B-31	<u>Response:</u> Any removal of onsite soils; construction of retaining walls; trenching activities; and erosion control measures would occur in conformance with California Building Code and local engineering design requirements, as well as recommendations made in the Geotechnical Investigation (EIR Appendix G-1). The planting of any drought tolerant plants and irrigation requirements would occur consistent with the approved conceptual landscape and irrigation plans.
	4B-32	No potential adverse effects relative to geology and soils were identified for the project. Impacts would be less than significant.

action with the California State Superior Court, North County Division, Vista due to the endangerment of life and property due to overwatering by the Agricultural Business operator.

- The ECC requests in advance, a copy of the Geotechnical Investigation Soils Testing Report complete with a site layout indicating the location of the referenced test boreholes, including the water table elevation.

3.4.4 Analysis of Project Effects and Determination as to significance. Significant soil removal will be conducted for a 10 month period. Essentially ALL of the native soil will be removed from the site. 40 foot high reinforced concrete wall will be constructed at the east and north property lines essentially creating a two-sided enclosure creating a less than 16% minimal gradient slope site to enable access by emergency vehicles. There will be trenching for underground utilities and surface water runoff catch basins for drainage control. To protect the surrounding sensitive habitats north of the 40 foot high retaining wall native, drought tolerant plantings shall be planted.

- In order for this subdivision to be constructed the entire site will be removed to accommodate the 16 4 level townhome structures and to enableNote that ignoring the natural continuing erosion process and adding to it by removing the marine terrace deposits 40 feet below natural grade of the north east property line and then landscaping and irrigating with thousands of gallons per year is a great concern to the community.

3.4.5 Cumulative Impact Analysis. It is to be noted that a 4.1 moderate earthquake event occurred Sunday January, 2022 at 9:46 AM in Valley Center, San Diego County, approximately 28 miles NE of the project site. The seismic event was felt in the coastal cities of Encinitas, Carlsbad and Oceanside. Source: www.USGS.com.

- Should the swimming pool be constructed with a typical volume of 25,000 to 45,000 gallons of water the weight of the water and construction would range from 200 to 300 tons respectfully. In the event of a seismic event this volume of water could potentially be destructive

- **The ECC believes the Lennar Draft Scoping EIR does not address the Geology and Soils concerns as identified herein and therefore the responses are deemed inadequate.**

3.5 HAZARDS and HAZARDOUS MATERIALS

3.5.1 Existing Conditions. A 2-acre area of Parcel A, was cultivated for use as a Commercial Agricultural growing business from approximately 1998 to 2010. The ECC has aerial photos of an agricultural operation. There are community witnesses of agricultural pesticides being sprayed on the crops (probably well beyond the scope of permitted activities). (Ref., Minor Use Permit, Coastal Development Permit Case No. 98-209 MIN/CDP). See Appendices C. Additionally, a record exists of subsidence/landslide due to uncontrolled irrigation of the agricultural crops in 2001 and a resultant lawsuit is on file related to the same. (Among others, Ref., City of Encinitas v. Teresa M. Cannon and DOES, Case No GIN021848-1, Superior Court of the State of California, County of San Diego, North County Division, Vista.)

4B-28
cont'd

4B-29

4B-30

4B-31

4B-32

4B-31

Comment Summary:

The commenter asserts that a January 2022 earthquake occurring 28 miles northeast of the project site was felt by the cities of Encinitas, Carlsbad, and Oceanside. The commenter asserts that the volume of water in the proposed onsite swimming pool could be potentially destructive if a seismic event were to occur. The commenter asserts that the EIR does not adequately address the concerns raised relative to geology and soils.

Response:

Potential impacts of the project are adequately addressed in Section 3.6, Geology and Soils, of the EIR. Please refer also to Responses 4B-25 through 4B-30 above.

As discussed in Section 3.6 of the EIR, no known active faults or potentially active faults transect or project toward the subject site, nor is the site located within an earthquake fault zone mapped by the state or the County of San Diego; refer also to EIR Appendix G-1, Geotechnical Investigation. The EIR, and supporting technical analyses, have been prepared by qualified professionals in conformance with applicable local and state regulations and requirements. The project site is in a seismically active region and could experience ground shaking associated with an earthquake along nearby faults, as identified in the EIR. Project conformance with the requirements of the California Building Code and other local design requirements would ensure that impacts resulting from exposure to strong seismic ground shaking on any local or regional faults would remain less than significant.

4B-32

Comment Summary:

The commenter provides a summary of former agricultural operations conducted on a portion of the subject site and asserts that pesticides were utilized on the crops grown. The commenter also asserts that a record of subsidence/landslide occurred on-site in 2001 due to uncontrolled irrigation of agricultural crops.

Preface and Responses to Comments

- **Standard Environmental Record Sources.** Aerial photos of the years in operation have been obtained. The photos and an analysis of the agricultural activities are attached as Appendices C.
- 3.5.2 Regulatory Framework.** Regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits shall be removed from the site to an approved Treatment Storage and Disposal Facility, if found.
- 3.5.3 Analysis of Project Effects and Determination as to significance.** The ECC is requesting that the soil on the Cannon property “Parcel A” shall be sampled and analyzed by a State Certified Analytical Laboratory. The soil samples shall be obtained at depths of 1ft, 2ft, 3ft and 4ft on a 10ft x 10ft (maximum) matrix. The ECC hereby requests a certified copy of the Soil Sampling Report.
- 3.5.4 Cumulative Impact Analysis.** In the event of positive sampling results of the regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits, for residential developments, shall be removed from the site via a Manifest and transported to a licensed Treatment Storage and Disposal Facility, for treatment and disposal.
- *Again, The ECC is requesting that ALL CONTAMINATED SOILS shall be REMOVED from the site and shall not be buried or encapsulated on site whether or not the Townhomes Project is constructed.*
 - *The ECC believes the Lennar Draft Scoping EIR (Geocon) did not address the Hazards and Hazardous Materials concerns as identified and discussed herein and therefor the responses are deemed inadequate. The Phase one ESA personnel were unaware of the 1998 to 2010 agricultural operations. No soil sampling or a lab analysis was conducted by Geocon. Therefore, the Phase One ESA needs to be reconducted and soil samples taken as per the Department Of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (3rd Rev) August 2008. A minimum of four (4) bore samplings shall be taken per acre. A total number of required samples shall be not less than eight (8). Sampling depth shall be 6 inches. Samples shall be analyzed at a California Certified Laboratory. The chemicals of concern are: arsenic, Organo Chlorine Phosphates (OCPs) , e.g., DDT, toxaphene, aldrin, dieldrin, Follow DTSC QA/QC protocol per SW-846.*
 - *However, the removal of more than 60,000 CY of soil from the property will transform the property to a flattened site with maximum grade slopes of 16% to satisfy the City of Encinitas Fire Marshall to enable the Fire Department emergency vehicles to access the subdivision, therefore, the concern with Hazardous Material Contaminated soil may well be a moot issue if the project is approved.*
- 3.6 NOISE**
- 3.6.1 Definition of Noise**
Noise - unwanted sound.

4B-32
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4B-33

4B-34

4B-35

4B-36

4B-37

4B-38

Response:

The comments provided do not question the adequacy of the EIR. Refer to Response 4B-28 above regarding prior landslide occurrence onsite.

4B-33

Comment Summary:

The commenter describes the requirements of Title 40 of the US Code of Federal Regulations (40 CFR) and California Proposition 65 regarding regulated or banned pesticides.

Response:

The comments provided do not raise an issue of EIR adequacy or environmental concern relative to CEQA. Project construction and operation would occur in conformance with applicable local, state, and federal requirements pertaining to the use and handling of any hazardous materials or substances. No further response is required.

4B-34

Comment Summary:

The commenter requests that additional soil sampling be conducted at the project site and samples be analyzed at a State Certified Analytical Laboratory. The commenter requests a copy of the certified soil sampling report.

Response:

Geocon, Inc. conducted a Phase I and II Environmental Site Assessment (ESA) at the project site in September 2021 (Appendix H-2 of the EIR) to address potential impacts associated with former onsite agricultural use. A total of six soil samples were collected from a depth of six inches and analyzed for organochlorine pesticides (OCPs) by US Environmental Protection Agency (USEPA) Test Method 8081A and arsenic by USEPA Test Method 6010B at a state-certified laboratory (Enthalpy Analytical, LLC). Results indicated that detected concentrations of OCPs did not exceed their respective San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels for residential soil. Arsenic was detected at concentrations within the range of naturally occurring/background concentrations in California soils. Based on such results, Geocon, Inc.

- **Standard Environmental Record Sources.** Aerial photos of the years in operation have been obtained. The photos and an analysis of the agricultural activities are attached as Appendices C.
- 3.5.2 Regulatory Framework.** Regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits shall be removed from the site to an approved Treatment Storage and Disposal Facility, if found.
- 3.5.3 Analysis of Project Effects and Determination as to significance.** The ECC is requesting that the soil on the Cannon property “Parcel A” shall be sampled and analyzed by a State Certified Analytical Laboratory. The soil samples shall be obtained at depths of 1ft, 2ft, 3ft and 4ft on a 10ft x 10ft (maximum) matrix. The ECC hereby requests a certified copy of the Soil Sampling Report.
- 3.5.4 Cumulative Impact Analysis.** In the event of positive sampling results of the regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits, for residential developments, shall be removed from the site via a Manifest and transported to a licensed Treatment Storage and Disposal Facility, for treatment and disposal.
- *Again, The ECC is requesting that ALL CONTAMINATED SOILS shall be REMOVED from the site and shall not be buried or encapsulated on site whether or not the Townhomes Project is constructed.*
 - *The ECC believes the Lennar Draft Scoping EIR (Geocon) did not address the Hazards and Hazardous Materials concerns as identified and discussed herein and therefor the responses are deemed inadequate. The Phase one ESA personnel were unaware of the 1998 to 2010 agricultural operations. No soil sampling or a lab analysis was conducted by Geocon. Therefore, the Phase One ESA needs to be reconducted and soil samples taken as per the Department Of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (3rd Rev) August 2008. A minimum of four (4) bore samplings shall be taken per acre. A total number of required samples shall be not less than eight (8). Sampling depth shall be 6 inches. Samples shall be analyzed at a California Certified Laboratory. The chemicals of concern are: arsenic, Organo Chlorine Phosphates (OCPs) , e.g., DDT, toxaphene, aldrin, dieldrin, Follow DTSC QA/QC protocol per SW-846.*
 - *However, the removal of more than 60,000 CY of soil from the property will transform the property to a flattened site with maximum grade slopes of 16% to satisfy the City of Encinitas Fire Marshall to enable the Fire Department emergency vehicles to access the subdivision, therefore, the concern with Hazardous Material Contaminated soil may well be a moot issue if the project is approved.*
- 3.6 NOISE**
- 3.6.1 Definition of Noise**
Noise - unwanted sound.

4B-32
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4B-33

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4B-36

4B-37

4B-38

determined that former agricultural use of the project site is not a recognized environmental condition. Soil removal due to prior agricultural use is therefore not warranted for the project site.

The Phase II ESA was adequately prepared by Environmental Professionals as defined in Section 312.10 of 40 CFR Part 312. Although soil sampling as part of the Phase II ESA was not conducted at the depths requested by the commenter, the commenter does not provide evidence to suggest that an additional soil investigation is warranted, specifically one that would involve the collection and analysis of deeper soil samples. Additionally, the commenter does not provide evidence to indicate that analysis in the EIR is inadequate. No further response is required.

4B-35

Comment Summary:

The commenter asserts that if soil testing results exceed reportable limits, such soils shall be removed from the project site via a Manifest and transported to a licensed Treatment Storage and Disposal Facility. The commenter asserts that all contaminated soils shall be removed from the site and not buried or encapsulated onsite whether or not the project is constructed.

Response:

Please refer to Response 4B-34.

4B-36

Comment Summary:

The commenter asserts that the Phase I ESA needs to be reconducted, as previous Phase I ESA personnel were not aware of the former (1998 to 2001) agricultural use of the project site and did not conduct soil sampling or laboratory analysis. The commenter describes the methodology to be utilized for additional soil sampling.

Response:

Please refer to Response 4B-34. A Phase I and II ESA was conducted by Geocon, Inc. in 2021 to address potential impacts to the project site associated with former agricultural use. While the Phase II ESA report does

Preface and Responses to Comments

- **Standard Environmental Record Sources.** Aerial photos of the years in operation have been obtained. The photos and an analysis of the agricultural activities are attached as Appendices C.
 - 3.5.2 Regulatory Framework.** Regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits shall be removed from the site to an approved Treatment Storage and Disposal Facility, if found.
 - 3.5.3 Analysis of Project Effects and Determination as to significance.** The ECC is requesting that the soil on the Cannon property “Parcel A” shall be sampled and analyzed by a State Certified Analytical Laboratory. The soil samples shall be obtained at depths of 1ft, 2ft, 3ft and 4ft on a 10ft x 10ft (maximum) matrix. The ECC hereby requests a certified copy of the Soil Sampling Report.
 - 3.5.4 Cumulative Impact Analysis.** In the event of positive sampling results of the regulated or banned pesticides as per U.S. 40 CFR, and California Proposition 65, Cancer Causing Agents, that are equal to or above the reportable limits, for residential developments, shall be removed from the site via a Manifest and transported to a licensed Treatment Storage and Disposal Facility, for treatment and disposal.
 - *Again, The ECC is requesting that ALL CONTAMINATED SOILS shall be REMOVED from the site and shall not be buried or encapsulated on site whether or not the Townhomes Project is constructed.*
 - *The ECC believes the Lennar Draft Scoping EIR (Geocon) did not address the Hazards and Hazardous Materials concerns as identified and discussed herein and therefor the responses are deemed inadequate. The Phase one ESA personnel were unaware of the 1998 to 2010 agricultural operations. No soil sampling or a lab analysis was conducted by Geocon. Therefore, the Phase One ESA needs to be reconducted and soil samples taken as per the Department Of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (3rd Rev) August 2008. A minimum of four (4) bore samplings shall be taken per acre. A total number of required samples shall be not less than eight (8). Sampling depth shall be 6 inches. Samples shall be analyzed at a California Certified Laboratory. The chemicals of concern are: arsenic, Organo Chlorine Phosphates (OCPs) , e.g., DDT, toxaphene, aldrin, dieldrin, Follow DTSC QA/QC protocol per SW-846.*
 - *However, the removal of more than 60,000 CY of soil from the property will transform the property to a flattened site with maximum grade slopes of 16% to satisfy the City of Encinitas Fire Marshall to enable the Fire Department emergency vehicles to access the subdivision, therefore, the concern with Hazardous Material Contaminated soil may well be a moot issue if the project is approved.*
- 3.6 NOISE**
- 3.6.1 Definition of Noise**
Noise - unwanted sound.

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4B-33

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4B-36

4B-37

4B-38

not specifically mention that soil sampling and analysis was conducted per the Department of Toxic Substances Control (DTSC) Interim Guidance for Sampling Agricultural Properties (dated August 2008), soil sampling and analysis was conducted using standard methodologies pursuant to applicable state requirements. The commenter does not provide substantial evidence to indicate that the analysis in the EIR is inadequate. Responses 4B-32 to 4B-35 address concerns raised by the commenter relative to hazards and hazardous materials.

4B-37

Comment Summary:

The commenter indicates that if the project is approved, the issue regarding contaminated soil will be moot, since 60,000 cubic yards of soil would be removed from the site during proposed grading.

Response:

The comments provided do not raise an issue of environmental concern relative to CEQA, nor question the adequacy of the EIR. Refer to Responses 4B-30 and 4B-34, above.

4B-38

Comment Summary:

The commenter provides various definitions associated with measuring noise levels.

Response:

This comment is informational and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

- Sound pressure - small oscillatory pressure variations above and below ambient atmospheric pressure that produce the auditory sensation of sound (in N/m², where 1 Newton/meter² = 1 pascal [Pa]).
- Sound pressure level - 20 times the common logarithm of the ratio of measured sound pressure over the reference sound pressure, expressed mathematically in decibels (dB), as follows: WAS Section 9.3 Design Guidelines Page 4 of 18 Revised: 05/01/2007 Sound pressure level (dB) = 20 LOG₁₀ T Measured Sound Pressure Z; H Reference Sound Pressure -N Where the reference sound pressure = 20 micro-pascal (20 µPa).
- A-weighting - an acoustic frequency adjustment to a sound pressure level, which simulates the sensitivity of human hearing. An A-weighted sound pressure level (dBA) results from either manually or electronically applying the frequency dependent A-weighting factors.
- Noise level, sound level or overall sound level - the single number A-weighted sound pressure level as read on a sound level meter set to A-weighting. This level is also the energy sum of the A-weighted sound pressure level spectrum.
- Overall sound pressure level - the single number unweighted sound pressure level as read on a sound level meter set to linear. This level is also the energy sum of the sound pressure level spectrum.
- Leq - the equivalent continuous sound level or energy average sound level over a set period of time (usually one hour).
- TWA - the 8-hour time-weighted averaged occupational noise exposure level. 9. Octave band - the interval between two frequencies having a ratio of 2 to 1.

4B-38
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4B-39

4B-40

3.6.2 Existing Conditions. The ambient Sound Pressure Level (SPL) emanating from the Interstate-5, freeway traffic located within 200 meters from the project site. was recorded on Saturday January 8, 2022, at 3:00 PM. The average SPL recorded was 66.5 dBA with a peak SPL of 81.7 dBA. See photo of Sound Pressure Level reading at the Cannon Property Parcel A, Map, location. Appendices B.

3.6.3 Regulatory Framework Federal

A proximity to major roadways estimates the percentage of people who live within 200 meters, or approximately 650 feet, of a high traffic roadway that carries over 125,000 vehicles per day. Data on the location of roads and traffic levels come from the 2011 National Transportation Atlas Database; data on population come from the 2010 Census.

- **Transportation and Health Connection.** According to CDC, more than 11 million people in the United States live within 150 meters (or approximately 500 feet) from a major highway (Boehmer et al., 2013). The vehicle traffic on these roadways is a major source of noise and air pollutants, such as particulate matter, nitrogen oxides, carbon monoxide, and ozone, which are known health hazards (U.S. EPA, 2010a, b, 2009, 2008).

4B-39

Comment Summary:

The commenter indicates that the average ambient Sound Pressure Level (SPL) recorded within the project vicinity of I-5 traffic was 66.5 dBA with a peak SPL of 81.7 dBA based on measurements taken in January 2022.

Response:

This comment does not raise a specific environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. As indicated in EIR Appendix J, sound measurements were taken by to document ambient noise levels in the project vicinity and are considered representative of typical sound levels for the area. No further response is required.

4B-40

Comment Summary:

The commenter provides summaries of federal, state, and local regulations and information from various studies related to noise.

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. As shown in EIR Section 3.8, Noise, noise levels at the property lines were evaluated for the construction and operational scenarios to ensure that the project does not exceed the City's adopted exterior noise level thresholds. Mitigation measure NOI-1 would be implemented to reduce construction noise levels to a level of less than significant.

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- Specifically, exposure to traffic-related pollution is linked to asthma and other respiratory symptoms, development of childhood asthma, and cardiovascular disease and death (National Heart, Lung, and Blood Institute National Asthma Education and Prevention Program, 2007; Health Effects Institute, 2010).
- For example, one study estimated that 8% of childhood asthma cases in Los Angeles County, California, could be partly attributed to living close to a major road (Perez et al., 2012). Living near a major road also has been associated with decreased lung function in adults with asthma (Balmes et al., 2009). Increasing the distance from the road to more than 150 meters, or approximately 500 feet, might decrease concentrations of some air pollutants by at least 50% (Karner et al., 2010).
- Also, research has demonstrated that traffic noise at normal urban levels can also lead to stress and sleep disturbances, both of which can lead to a higher risk for type 2 diabetes (Sørensen et al, 2013).
- Moving Forward Program.** This indicator may help inform how future roadways are designed and influence future land use development and land use policies affecting the environment near roadways. Shifting land use patterns and investing in strategies that increase air quality might lead to improved health outcomes.
- One Los Angeles County-based study estimated that a 20% reduction in regional air pollution and a 3.6% decrease in population living near major roadways would result in 5,900 fewer cases of asthma caused by near-roadway pollution exposure (Perez et al., 2012).
- Transportation officials can also use the information from this indicator to consider air pollution mitigation strategies, including using vegetative buffers or sound walls to dilute traffic emission concentrations in the near roadway environment (U.S. EPA, 2015; Baldauf et al., 2008).

4B-40
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References

Baldauf R, Thoma E, Khlystov A. Impacts of noise barriers on/near-road air quality. Atmospheric Environment 2008;42:7502
<http://www.sciencedirect.com/science/article/pii/S1352231008005311>.
Balmes JR; Earnest G, Katz PP; Yelin EH; Eisner MD; Chen H; Trupin L; Lurmann F, Blanc PD. Exposure to traffic: Lung fun.

State

- California Noise Control Act of 1973.** California Health and Safety Code Sections 46000 through 46080, known as the California Noise Control Act, find that excessive noise is a serious hazard to public health and welfare and that exposure to certain levels of noise can result in physiological, psychological, and economic damage. The act also finds that there is a continuous and increasing bombardment of noise in urban, suburban, and rural areas. The act declares that the State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise. It is the state's policy to provide an environment for all Californians that is free from noise that jeopardizes their health or welfare.

Local

- City of Encinitas General Plan.** The City of Encinitas General Plan is the primary source of long-ranged planning and policy direction used to guide growth and preserve the quality of life within the City of Encinitas. The Encinitas General Plan states that a goal of the City is to analyze proposed land uses to ensure that the designations would contribute to a proper balance of land uses within the community. The relevant goals for the project include:

GOAL 1: Provide an acceptable noise environment for existing and future residents of the City of Encinitas.

Policy 1.7: Apply Title 24 of the California Administrative Code, associated with noise insulation standards, to single-family dwellings.

GOAL 2: Require that new development be designed to provide acceptable indoor and outdoor noise environments.

Policy 2.1: The Noise and Land Use Compatibility Guidelines and the accompanying discussion set forth the criteria for siting new development in the City of Encinitas. Any project which would be located in a normally unacceptable noise exposure area, based on the Land Use Compatibility Guidelines, shall require an acoustical analysis. Noise mitigation in the future shall be incorporated in the project as needed. As a condition of approval of a project, the City may require post-construction noise monitoring and sign off by an acoustician to ensure that City requirements have been met.

GOAL 3: Ensure that residents are protected from harmful and irritating noise sources to the greatest extent possible.

Policy 3.1: The City will adopt and enforce a quantitative noise ordinance to resolve neighborhood conflicts and to control unnecessary noise in the City of Encinitas. Examples of the types of noise sources that can be controlled through the use of a quantitative noise ordinance are barking dogs, noisy mechanical equipment such as swimming pool and hot tub pumps, amplified music in commercial establishments, etc.

GOAL 4: Provide for measures to reduce noise impacts from stationary noise sources.

Policy 4.1: Ensure inclusion of noise mitigation measures in the design and operation of new and existing development.
- City of Encinitas Municipal Code.** The City's Municipal Code establishes noise criteria to prevent noise and vibration that may jeopardize the health or welfare of the City's citizens or degrade their quality of life.

Chapter 9.32 Noise Abatement and Control Ordinance, and Chapter 30.40, Performance Standards, establish property line noise level limits. These limits apply to existing uses, but will also apply to future uses and are used for evaluating potential impacts of future on-site generated noise levels.

Chapter 9.32.410 states that it shall be unlawful for any person, including the City, to operate construction equipment at any construction site on Sundays, and days appointed by the President, Governor or the City Council for a public fast, thanksgiving or holiday. Notwithstanding the above, a person may operate construction equipment on the above-specified days between the hours of 10:00 a.m. and 5:00 p.m. No such equipment, or combination of equipment regardless of age or date of acquisition, shall be operated so as to cause noise at a level in excess of 75 decibels for more than eight hours during any 24-hour period when measured at or within the property lines of any property which is developed and used either in part or in whole for residential purposes.

4B-40
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Preface and Responses to Comments

- The permissible property line noise limits are summarized in Table 3.8-2. As stated in the Municipal Code: Every use shall be so operated that the noise generated does not exceed the following levels at or beyond the lot line and does not exceed the limits of any adjacent zone. Monitoring of the specific noise levels at the east property lines shall be conducted by the Developer and submit their findings to the City for evaluation and action as required to meet compliance. Said action shall be the responsibility of the Developer to the satisfaction of the community.

TABLE 3.6.3 CITY OF ENCINITAS EXTERIOR NOISE LIMITS

Adjacent Zone	Noise Level [dB(A)]	
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.
Rural Residential (RR), Rural Residential-1 (RR-1), Rural Residential-2 (RR-2), Residential-3 (R-3), Residential-5 (R-5), Residential-8 (R-8)	50	45
Residential-11 (R-11), Residential Single Family-11 (RS-11), Residential-15 (R-15), Residential-20 (R-20), Residential-25 (R-25), Mobile Home Park (MHP)	55	50
Office Professional (OP), Limited Local Commercial (LLC), Local Commercial (LC), General Commercial (GC), Limited Visitor Serving Commercial (L-VSC), Visitor Serving Commercial (VSC)	60	55
Light Industrial (L-I), Business Park (BP)	60	55

3.6.4 Analysis of Project Effects and Determination as to significance The ECC does not see the necessity of a Swimming Pool/Spa and operating equipment that will generate noise pollution day and night via its use, into the community. The ECC suggests instead, a water element, such as a fountain, waterfall, complete with a compact park/meeting area for the residents/families to enjoy as an enhanced amenity without traveling outside the confines of the *Piraeus Point Townhomes*.

- Considerable sound energy absorbing construction material(s), e.g., doors, windows, sound transmission class (STC) rated exterior walls and condominium orientation may be required to attenuate the uncomfortable/disturbing noise (sound energy) to a level acceptable to the residents of *Piraeus Point Townhomes* and compliance with the City of Encinitas EMC residential sound ordinance.
- Swimming Pool: If constructed, any and all sounds generated even after construction will travel in an easterly direction to the existing residential community, where most of the affected neighborhoods are located. The incorporation of sound absorbent type construction materials, i.e., means and methods, will most likely be required, for compliance.

3.6.5 Cumulative Impact Analysis

4B-40
cont'd

4B-41

4B-42

4B-41

Comment Summary:

The commenter asserts that there is not a need for the proposed on-site swimming pool and spa which would result in noise pollution affecting the surrounding community. The commenter also asserts that various development features (use of sound absorbing materials) may be required as part of the project to ensure that noise levels experienced by project residents and other area residents comply with the City’s Municipal Code noise level limits.

Response:

Please refer to Master Response 3.

Exposure of persons to, or generation of, noise levels in excess of Federal and State standards established in the local general plan or noise ordinance, or applicable standards of other agencies, shall be attenuated.

Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels, shall be attenuated.

A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project is an extreme annoyance and a significant factor.

The geographic extent of the cumulative setting for noise consists of the project site and its location to the I-5 Interstate Freeway, within 200 meters. Ambient noise levels in the project area are generated by vehicle traffic on Piraeus Street, Plato Place and the I-5 Interstate Freeway. As a result, the primary factor for cumulative noise impact analysis is the consideration of future traffic noise levels along area roadways. Cumulative noise impacts would occur primarily as a result of increased traffic created by this proposed project of more than 980 vehicle trips per day.

When two identical sources ($S_1 = 80$ dB and $S_2 = 80$ dB) each are producing identical SPL, The sound intensity of S_1 and S_2 are combined via log 10 formula/calculation to obtain a sound intensity value. The sound intensity value is converted back to dBA via log 10 formula/calculations to obtain 83.1 dB. This value indicates that adding two unrelated sounds of the same intensity together is equivalent to a 3 dB increase in the total SPL.

With regard to traffic noise intensity, traffic volumes would need to increase in volume order to provide to the receiver a perceptible change in ambient noise levels. As cumulative traffic volumes increase the SPL also increases proportionally, e.g., an approximately 27 percent increase in I-5 traffic volume, will also generate a significant cumulative noise impact as expected from the I-5 Interstate freeway as the traffic builds up say 5:00 AM (early hours) to its highest peak in the afternoon as normally expected. Accordingly, the project's estimated 1,980 MVT is a cumulatively significant factor.

- *The Lennar Draft Scoping EIR addresses the Noise concerns towards the requirement of construction materials to provide an increase sound attenuation and absorbance by requiring wood framing and thicker drywall materials to provide high STC rating of the perimeter wall constructions including doors and windows as identified herein and therefore the responses are deemed adequate for construction. Airbourne noise emanating from the Interstate -5 Freeway is a detriment of the transportation corridor. The EIR recommends the installation of glass sound walls, fencing in and around the perimeters of the roof top "yards/decks" or recreational patios, at a height of 5 feet above the roof surface to deflect the high sound levels from reaching the "Seated" occupants.*
- *The proposed swimming pool area will also have perimeter sound barriers of an unknown material to reduce or deflect the freeway noise levels.*

- *It is to be noted that the Heat Pump/AC units will be roof mounted and will contribute to the noise and vibration levels within the Townhome structures located above the sleeping areas and adjacent Townhome Units.*

3.7 PUBLIC SERVICES and FACILITIES

4B-42
cont'd

4B-43

4B-42

Comment Summary:

The commenter provides general statements on exposure to noise levels and asserts that the project's cumulative setting for noise is an approximate 200-meter radius from I-5, including local roads within the project vicinity. The commenter asserts that the project's contribution of "980 vehicle trips per day" is a cumulatively significant factor when considering noise impacts. The commenter that the rooftop heat pump/AC units will contribute to noise and vibration levels within the residences.

Response:

Please refer to Master Response 3. An interior noise assessment is required per City ordinance and will be completed once final architectural plans are available and prior to issuance of the first building permit.

As indicated in EIR Section 4.12, Transportation, the project would generate an estimated 894 ADT, based on trip generation rates (6 average daily trips/unit) derived from SANDAG's (Not So Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, dated April 2002 (see EIR Appendix K). The trip generation calculated for the project is considered to be an accurate representation of vehicle trips added to the local circulation system by the proposed development. The commenter does not provide a source to substantiate how the project would generate 1,980+/- ADT.

Additionally, as described in Section 3.10, Noise, of the EIR, noise level changes greater than 3 dBA are often identifiable as audibly louder by the average resident, while changes less than 1 dBA will not be discernible. As such, increases greater than 3 dBA are considered potentially significant. Typically, a direct project impact requires that a project double (or add 100%) existing traffic volumes, or otherwise substantially contribute to existing traffic volumes, in order to increase noise levels by 3 dBA L_{dn} . Based on the estimated number of ADT generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, which would contribute to a 3 dBA L_{dn} increase in noise levels.

Preface and Responses to Comments

3.7.1 Existing Conditions. Without guarded crosswalks or stop signs at intersections, the ability of the children to walk to school safely is a most serious issue that the City of Encinitas has thus far, failed to address.

3.7.2 Regulatory Framework. Safe Routes to School (SRTS) programs are in place with the U.S. Government U.S. Centers for Disease Control and Prevention through the American Recovery and Reinvestment Act 2010 -2012. Other sources of funding Federal SRTS Grants are available. The

- State of California receives the U.S. Government SRTS Grant funds and provides those funds to the counties applying for them. The San Diego Association of Governments (SANDAG) provides funds to the 16 cities in San Diego County, including Encinitas. The city of Encinitas however has installed “traffic calming measures”, i.e., rubber speed bumps. The installation of speed bumps is a far cry from the intent of the U.S. CDC SRTS program. The County of San Diego Health and Human Services Agency (HHSA) Healthy Works Program has a Plan organized around three (3) focal points.
 - a. Existing Issues and Opportunities
 - b. Existing Safe Routes to School Efforts, and
 - c. Moving Forward – A Regional Safe Route to School Strategy

3.7.3 Analysis of Project Effects and Determination as to significance. Presently it is very dangerous and hazardous for children living in the existing residential community to walk to Capri Elementary School, a Grade K-6 school. The reason for these conditions is the absence of sidewalks, controlled crosswalks, street lighting and stop signs. Notwithstanding the ability of handicap students from accessing Capri School via the SRTS, programs.

- Further, the Encinitas School District does not provide transportation services for the 740 Capri Elementary School, students, nor guarded crosswalks for those students who prefer to walk to school.
- The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current “Safe Route to School” issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA.

3.7.4 Cumulative Impact Analysis. The ECC suggests a small private transit bus be provided by *Piraeus Point Townhomes* Homeowner’s Association in perpetuity, to pick up and drop off the resident children to comply with the U.S. Government and SANDAG SRTS program

- This type of private transit vehicle for school children (K-6) service has been initiated for the Fox Pointe Development project, located in the City of Encinitas.
- It is to be noted that Capri School is at 95% capacity, whereas it is most likely that K-6 students will have to be transported to other K-6 public schools in the Encinitas Unified School District. This requirement will add to the residents transportations costs, increase vehicle trips per day and exacerbate the current Air Quality contaminant pollution issues in the community.
- Complete Streets Concept, Policies and Practices need to be considered in order to seriously consider the intent of the SRTS Programs. Complete Streets may vary significantly between

4B-43
cont'd

An interior noise assessment is required per City ordinance and will be completed once final architectural plans are available and prior to issuance of the first building permit.

4B-43

Comment Summary:

4B-44

The commenter asserts that without guarded crosswalks or stop signs at intersections the ability of children to walk to school safely is an issue that the City has failed to addressed.

Response:

This comment does not address elements specific to the proposed project, nor does it raise concern as to the adequacy of the EIR. No further response is required.

4B-45

4B-44

Comment Summary:

The commenter provides an overview of the Safe Routes to School (SRTS) program, SRTS measures implemented in the City, and the focal points of the County of San Diego Health and Human Services Agency Healthy Works Program.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-47

4B-48

4B-45

Comment Summary:

The commenter indicates that existing conditions pose safety issues for children walking to Capri Elementary School. The comment asserts that the City’s not providing a SRTS program represents “a quantifiable negative significance per CEQA.”

Response:

Please refer to Master Response 1.

3.7.1 Existing Conditions. Without guarded crosswalks or stop signs at intersections, the ability of the children to walk to school safely is a most serious issue that the City of Encinitas has thus far, failed to address.

3.7.2 Regulatory Framework. Safe Routes to School (SRTS) programs are in place with the U.S. Government U.S. Centers for Disease Control and Prevention through the American Recovery and Reinvestment Act 2010 -2012. Other sources of funding Federal SRTS Grants are available. The

- State of California receives the U.S. Government SRTS Grant funds and provides those funds to the counties applying for them. The San Diego Association of Governments (SANDAG) provides funds to the 16 cities in San Diego County, including Encinitas. The city of Encinitas however has installed “traffic calming measures”, i.e., rubber speed bumps. The installation of speed bumps is a far cry from the intent of the U.S. CDC SRTS program. The County of San Diego Health and Human Services Agency (HHSA) Healthy Works Program has a Plan organized around three (3) focal points.

- Existing Issues and Opportunities
- Existing Safe Routes to School Efforts, and
- Moving Forward – A Regional Safe Route to School Strategy

3.7.3 Analysis of Project Effects and Determination as to significance. Presently it is very dangerous and hazardous for children living in the existing residential community to walk to Capri Elementary School, a Grade K-6 school. The reason for these conditions is the absence of sidewalks, controlled crosswalks, street lighting and stop signs. Notwithstanding the ability of handicap students from accessing Capri School via the SRTS, programs.

- Further, the Encinitas School District does not provide transportation services for the 740 Capri Elementary School, students, nor guarded crosswalks for those students who prefer to walk to school.
- The construction of the *Piraeus Point Townhomes* will without a doubt exacerbate the current “Safe Route to School” issue(s). The total lack of the City of Encinitas to provide for a meaningful SRTS program is a quantifiable negative significance per CEQA.

3.7.4 Cumulative Impact Analysis. The ECC suggests a small private transit bus be provided by *Piraeus Point Townhomes* Homeowner’s Association in perpetuity, to pick up and drop off the resident children to comply with the U.S. Government and SANDAG SRTS program

- This type of private transit vehicle for school children (K-6) service has been initiated for the Fox Pointe Development project, located in the City of Encinitas.
- It is to be noted that Capri School is at 95% capacity, whereas it is most likely that K-6 students will have to be transported to other K-6 public schools in the Encinitas Unified School District. This requirement will add to the residents transportations costs, increase vehicle trips per day and exacerbate the current Air Quality contaminant pollution issues in the community.
- Complete Streets Concept, Policies and Practices need to be considered in order to seriously consider the intent of the SRTS Programs. Complete Streets may vary significantly between

4B-43
cont'd

4B-44

4B-45

4B-46

4B-47

4B-48

4B-46

Comment Summary:

The commenter asserts that, to comply with federal requirements and SANDAG’s SRTS program, a private transit bus should be provided by the project’s Homeowner’s Association to pick up and drop off schoolchildren who reside at the project site.

Response:

Refer to Master Response 1. This comment does not raise a specific environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-47

Comment Summary:

The commenter states that Capri Elementary School is at 95 percent capacity and would therefore require schoolchildren (from the proposed project) to attend other K-6 schools in the Encinitas Unified School District. The commenter asserts that this condition would increase residents’ transportation costs, increase daily vehicle trips, and exacerbate existing air quality issues in the community.

Response:

Please refer to Master Responses 1 and 2.

4B-48

Comment Summary:

The commenter asserts that the “Complete Streets Concept, Policies, and Practices need to be considered” to reflect the intent of SRTS programs, and that the City should modify policies regarding the transportation system.

Response:

Refer to Master Response 1. The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they specifically address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

<p>urban, suburban and rural contexts but all are designed to balance safety and convenience for everyone using the road. By modifying policies so that the transportation system includes the needs of people on foot, those with disabilities, public transportation and bicycles, the City of Encinitas shall provide more options for people in the community. Making these options more convenient, attractive and safe allows people to choose their preferred mode of travel rather than going straight to their automobiles. Ref. California SRTS State Network Complete Streets Action Team. National Complete Streets Coalition.</p> <p>3.8 Transportation and Circulation</p> <p>3.8.1 Existing Conditions. The Developer shall work with Caltrans to open Piraeus Street at the south end intersection onto Leucadia Blvd., for ingress and egress of traffic. Caltrans stated in 1989 when closing the south bound Piraeus Street traffic to Leucadia Blvd., it would only be reopened if supporting data were provided. Since closure, the residential roads have seen a dramatic increase in traffic warranting the City to install “Traffic Calming Measures” i.e., speed bumps, based on citizen complaints.</p> <p>3.8.2 Regulatory Framework. Apply San Diego County Traffic and Circulations Guidelines. There shall be no vehicle ingress or egress onto Plato Place from this project. Exception: SDG&E existing 16ft. recorded easement access via Plato Place and the use by emergency vehicle(s)..</p> <p>3.8.3 Analysis of Project Effects and Determination as to Significance. Should 149 <i>Piraeus Point Townhomes</i> be constructed to allow additional vehicle traffic onto Piraeus Street, causing extreme congestion along Piraeus Street.</p> <p>3.8.3.1 The 1,980 +/- daily vehicle trips (see below) will dramatically increase the “cut-through” traffic to the detriment of the existing residential community, specifically Normandy Road. As noted, it is again requested that Lennar Homes (who coincidentally constructed approximately 30 single family homes on Normandy Road 8-years ago) can provide expertise and knowledge towards this (Caltrans-City of Encinitas) important Leucadia Blvd., reopening issue.</p> <ul style="list-style-type: none">It is to be noted that since 6,345 10 CY dump Trucks will travel north to the intersection of Piraeus Street and La Costa Avenue over a period of 10 months or more the local resident traffic will avoid ALL construction routes and therefore will travel south to access Leucadia Blvd., via Normandy and/or other lateral streets thereby adding to increased vehicle traffic.. <p>3.8.4 Cumulative Impact Analysis. Additionally, the number of daily vehicles trip from the <i>Piraeus Point Townhomes</i> project will be 300 vehicles multiplied by a factor of six (6) equals 1,800 +/- vehicle daily trips.</p> <ul style="list-style-type: none">An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a factor of 1.1 +/- for an estimated total of 1,980 daily vehicle trips. This increase in vehicle traffic from <i>Piraeus Point Townhomes</i> will seriously impact the intersections of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of a F-Rating. The intersections of Plato Place, Olympus Road, Sparta Road and Normandy Road will also be impacted.Traffic interference will occur from <i>Piraeus Point Townhomes</i> vehicles entering Piraeus Street to travel south along Piraeus Street. Those vehicles traveling south to Normandy	4B-48 cont'd
	4B-49
	4B-50
	4B-51
	4B-52
	4B-53

<p>4B-49</p> <p><u>Comment Summary:</u></p> <p>The commenter asserts that the developer shall work with Caltrans to reopen the southern end of Piraeus Street. The comment indicates that the road closure resulted in dramatic increases to traffic levels on residential roads, which warranted the City to install various “Traffic Calming Measures” based on citizen complaints.</p> <p><u>Response:</u></p> <p>Please refer to Master Response 1. This comment does not address elements of the proposed project, nor does it address the adequacy of the EIR. No further response is required.</p> <p>4B-50</p> <p><u>Comment Summary:</u></p> <p>The commenter asserts that the developer shall apply San Diego County Traffic and Circulations Guidelines and that ingress/egress should not be provided to/from the project site along Plato Place (with exception of that for emergency vehicle use).</p> <p><u>Response:</u></p> <p>Please refer to Master Response 1. The project as designed does not propose resident access along Plato Place; such ingress/egress would be reserved for emergency vehicle use only. All circulation and access improvements would be designed and constructed in conformance with applicable City of Encinitas engineering requirements.</p> <p>4B-51</p> <p><u>Comment Summary:</u></p> <p>The commenter asserts that “extreme” traffic congestion would occur along Piraeus Street as a result project implementation.</p> <p><u>Response:</u></p> <p>Please refer to Master Response 1.</p>
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urban, suburban and rural contexts but all are designed to balance safety and convenience for everyone using the road. By modifying policies so that the transportation system includes the needs of people on foot, those with disabilities, public transportation and bicycles, the City of Encinitas shall provide more options for people in the community. Making these options more convenient, attractive and safe allows people to choose their preferred mode of travel rather than going straight to their automobiles. Ref. California SRTS State Network Complete Streets Action Team. National Complete Streets Coalition.

3.8 Transportation and Circulation

3.8.1 Existing Conditions. The Developer shall work with Caltrans to open Piraeus Street at the south end intersection onto Leucadia Blvd., for ingress and egress of traffic. Caltrans stated in 1989 when closing the south bound Piraeus Street traffic to Leucadia Blvd., it would only be reopened if supporting data were provided. Since closure, the residential roads have seen a dramatic increase in traffic warranting the City to install “Traffic Calming Measures” i.e., speed bumps, based on citizen complaints.

3.8.2 Regulatory Framework. Apply San Diego County Traffic and Circulations Guidelines. There shall be no vehicle ingress or egress onto Plato Place from this project. Exception: SDG&E existing 16ft. recorded easement access via Plato Place and the use by emergency vehicle(s)..

3.8.3 Analysis of Project Effects and Determination as to Significance. Should 149 *Piraeus Point Townhomes* be constructed to allow additional vehicle traffic onto Piraeus Street, causing extreme congestion along Piraeus Street.

3.8.3.1 The 1,980 +/- daily vehicle trips (see below) will dramatically increase the “cut-through” traffic to the detriment of the existing residential community, specifically Normandy Road. As noted, it is again requested that Lennar Homes (who coincidentally constructed approximately 30 single family homes on Normandy Road 8-years ago) can provide expertise and knowledge towards this (Caltrans-City of Encinitas) important Leucadia Blvd., reopening issue.

- It is to be noted that since 6,345 10 CY dump Trucks will travel north to the intersection of Piraeus Street and La Costa Avenue over a period of 10 months or more the local resident traffic will avoid ALL construction routes and therefore will travel south to access Leucadia Blvd., via Normandy and/or other lateral streets thereby adding to increased vehicle traffic..

3.8.4 Cumulative Impact Analysis. Additionally, the number of daily vehicles trip from the *Piraeus Point Townhomes* project will be 300 vehicles multiplied by a factor of six (6) equals 1,800 +/- vehicle daily trips.

- An allowance factor for service vehicles will also increase and exacerbate the traffic volume issue on Piraeus Street by a factor of 1.1 +/- for an estimated total of 1,980 daily vehicle trips. This increase in vehicle traffic from *Piraeus Point Townhomes* will seriously impact the intersections of Piraeus Street and La Costa Avenue resulting in a Level of Service (LOS) of a F-Rating. The intersections of Plato Place, Olympus Road, Sparta Road and Normandy Road will also be impacted.
- Traffic interference will occur from *Piraeus Point Townhomes* vehicles entering Piraeus Street to travel south along Piraeus Street. Those vehicles traveling south to Normandy

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4B-49

4B-50

4B-51

4B-52

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4B-52

Comment Summary:

The commenter asserts that the 1,980+/- vehicle daily trips generated by the project would increase “cut-through” traffic that would negatively impact the surrounding community, particularly at Normandy Road. The commenter requests that the project applicant provide information pertaining to the reopening of Leucadia Boulevard. The commenter also asserts that local residents would avoid all construction routes during the project construction period, thereby resulting in increased traffic on Normandy Road and other local streets.

Response:

Please refer to Master Response 1.

4B-53

Comment Summary:

The commenter asserts that the project would generate approximately 1,800 vehicle daily trips. The commenter explains that the estimated number of project vehicle trips would increase to approximately 1,980 when accounting for service vehicles. The commenter asserts that the project would negatively impact the intersections of Piraeus Street and La Costa Avenue as well as those at Plato Place, Olympus Road, Sparta Road, and Normandy Road and that vehicles from the project site traveling on Piraeus Street south towards Normandy Road would interfere with northbound vehicles from Leucadia Boulevard. The commenter also asserts that project traffic along Piraeus Street would create congestion at the La Costa Avenue intersection causing delays and contributing to increased pollutant emissions at the intersection that may in turn affect Batiquitos Lagoon. The commenter also asserts that dump trucks associated with project construction would contribute diesel engine particulates that would further contaminate the lagoon.

Response:

Please refer to Master Response 1. As indicated in EIR Section 4.12, Transportation, of the EIR, the project would generate an estimated 894 ADT, based on trip generation rates (6 average daily trips/unit) derived

Road will interfere with northbound vehicles from Leucadia Blvd. Normandy Road is the only easterly route for vehicles to access Leucadia Blvd, which provides access to I-5 south. As noted, access to Leucadia Blvd., is blocked from Piraeus Street.

- Traffic interference will occur from **Piraeus Point Townhomes** vehicles entering Piraeus Street to travel north to La Costa Avenue. This vehicle traffic increase will seriously impact the intersection of Piraeus Street and La Costa Avenue and create congestion. Synchronizing the three (3) way signals serving both eastbound and westbound traffic on La Costa Avenue will also cause and create delays at the three (3) locations. Currently the traffic on Piraeus has a lower signal (Green) duration time permitting 7 vehicles to enter the intersection. With an increase of hundreds of vehicles north bound to access I-5 north and south the delays will be horrendous, frustrating and potentially dangerous. Traffic entering Piraeus Street from Sky Loft Road to either travel south or north will be impacted severely by the huge line of vehicles waiting in line to get through the Piraeus Street and La Costa Avenue intersection. The impact of vehicle congestion will also increase the emission pollutants, of benzene, carbon monoxide, particulate matter at this intersection. The prevailing wind is from the SW to the NE. The recipient of these air borne pollutants is Batiquitos Lagoon, contiguous with La Costa Avenue, where significant reportable toxic pollutants of Poly Aromatic Hydrocarbons (PAH) are present in the water and benthic layer as per the December 9, 2021, water sampling analysis. The 6,345 10 CY dump trucks, as noted, will seriously impact further the diesel engine particulates entering the air and settling into Batiquitos Lagoon, further contaminating the Lagoon.

- **The ECC believes the Lennar Draft Scoping EIR does not address The Public Services and Facilities concerns as identified herein and therefore the responses are deemed inadequate. The Safe Route to School is a significant issue and shall be addressed.**

3.9 UTILITIES and SERVICE SYSTEMS

Existing Conditions. This section discusses the proposed project relative to utilities and service systems, comprising wastewater, water, stormwater,

3.9.1 Wastewater. The ECC concern is the current and future capacity of the existing 70-year old 8-inch VCP gravity sewer line owned and operated by Leucadia Water District (LWD). The Piraeus Street wastewater/sewer line serves the community.

- The Piraeus Street 8-inch diameter VCP gravity wastewater/sewer line flows from Leucadia Blvd., (south point of beginning) to La Costa Avenue (north) and connects to an existing 12-inch gravity flow sewer line. The Piraeus Street 8-inch gravity sewer line enters a manhole north of Sky Loft Road. This manhole known as the Sky Loft manhole also receives waste water flows from an existing 12-inch gravity sewer line located vicinity of Sheridan Road on La Costa Avenue west of I-5, which flows east to I-5 then flows south parallel to I-5 then flows easterly under I-5 to the Sky Loft manhole. A 12-inch VCP gravity sewer line flows north from the Sky Loft Manhole to La Costa Avenue and flows east to a pump station.
- Per the 1968 LWD Civil Plans, a 12-inch forced main flows from the pump station(s) east to west along La Costa Avenue to Piraeus Street and follows the route of the 12-inch gravity sewer line, as noted. The 12-inch forced main is routed around the perimeter of Batiquitos

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4B-54

4B-55

4B-56

from SANDAG's (Not So Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region, dated April 2002 (see EIR Appendix K). The trip generation calculated for the project is considered to be an accurate representation of vehicle trips added to the local circulation system by the proposed development. The commenter does not provide a source to substantiate how the project would generate 1,980+/- ADT.

Additionally, project impacts relative to air quality are adequately analyzed in EIR Section 3.2, Air Quality. Project construction emissions, such as fugitive dust and heavy equipment exhaust, were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. Based on CalEEMod estimations, emissions of criteria pollutants during construction would be below thresholds of significance for each year of construction (approximately 1.6 years) and would therefore not exceed San Diego Air Pollution Control District air quality standards; impacts would be less than significant. Based on CalEEMOD estimations, emissions generated by vehicle traffic associated with the project would also not exceed established San Diego Air Pollution Control District thresholds for pollutants of regional concern (reactive organic gases, nitrogen oxide, sulfur dioxide, coarse particulate matter, fine particulate matter, and carbon monoxide); impacts would be less than significant. No further response to the comments provided is required pursuant to CEQA.

4B-54

Comment Summary:

The commenter asserts that the EIR does not adequately address the Public Services and Facilities concerns identified and that issues relative to the SRTS are significant and should be addressed.

Response:

Please refer to Master Responses 1 and 2 and Response to Comments 4B-43 to 4B-48 pertaining to Public Services and Facilities.

4B-55

Comment Summary:

This comment indicates that subsequent comments provided pertain to utilities and service systems.

Lagoon crosses over the La Costa Avenue NCTD railroad bridge then flows north and parallel to the North Coast Hwy. 101 Batiquitos Pump Booster Station, then flows north to the Encina Wastewater Authority's (EWA) Water Pollution Control Facility in Carlsbad. **Verification is required.**

3.9.2 Analysis of Project Effects and Determination as to significance. The existing 8-inch Piraeus Street VCP gravity sewer line receives all wastewater flows from residences in the area known as "Crest Acres" east of Piraeus Street, including Capri Road, Capri Elementary School (740 students) Caudor Road, Gascony Road, Burgundy Road, Skyloft Clusters PUD, Monte Mira PUD, Olympus Road, Normandy Road, etc., and south to Leucadia Blvd.

- The proposed **Piraeus Point Townhomes** 149 Equivalent Dwelling Units (EDU's) - with a potential population of 455 or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present capacity let alone discharging an additional approximately (455 persons x 75 gallons/day) equates 34,125 gallons per day into a 70 year +/- 8-inch gravity flow sewer line.

3.9.3 Cumulative Impact Analysis. Can the existing Piraeus Street 8-inch diameter VCP wastewater/sewer line receive the proposed 149 Equivalent Dwelling Units (EDU's) - with a potential population of 455 persons with - new connections without having the potential to disrupt wastewater flow?

3.9.3.1 Residents in the LWD area strongly oppose subsidizing the costs of any new sewer lines infrastructure through an increase in LWD fees due to the construction of the **Piraeus Point Townhomes**. These costs, if any, shall be reimbursed by the applicant to LWD either through connection fees or direct reimbursable capital improvement (CIP) costs.

3.9.3.2 Water.

Existing **Conditions:** The San Dieguito Water District (District) is one of two (2) water districts that serve the City of Encinitas (City), which includes the communities of Old Encinitas, New Encinitas, Leucadia, Cardiff, and Olivenhain. The District provides potable water and recycled water to approximately 38,000 customers within its service area, while Olivenhain Municipal Water District (OWMD) serves the rest of the City. The Districts water supply portfolio includes local surface water from Lake Hodges, purchased treated and raw water from the San Diego County Water Authority (SDCWA), and recycled water produced by surrounding wastewater agencies with tertiary treatment.

Projected water demand for the SDWD for all water use sectors except for agriculture were adjusted to increase proportionally with population growth. Table 3.9.3.2 shows the projected population served by the SDWD from 2020 to 2045.

TABLE 3.9.3.2 CURRENT AND PROJECTED POPULATION (Calendar Year Data)

Population Served	2020	2025	2030	2035	2040	2045
	37,856	39,208	39,653	39,800	40,240	41,246

Source: SDWD 2020

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4B-57

4B-58

4B-59

4B-60

Response:

This comment is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-56

Comment Summary:

The commenter provides background information pertaining to existing wastewater/sewer pipelines serving the project vicinity and asserts that verification of such statements is required.

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

4B-57

Comment Summary:

The commenter provides background information on existing wastewater/sewer infrastructure serving the project vicinity and expresses concern over whether the system could accommodate additional flows generated be the proposed project.

Response:

Please refer to Master Response 2.

4B-58

Comment Summary:

The commenter questions whether the existing 8-inch diameter VCP wastewater/sewer line in Piraeus Street can adequately receive the project's new connections without resulting in potential disruption to wastewater flows.

Response:

Please refer to Master Response 2.

Preface and Responses to Comments

Lagoon crosses over the La Costa Avenue NCTD railroad bridge then flows north and parallel to the North Coast Hwy. 101 Batiquitos Pump Booster Station, then flows north to the Encina Wastewater Authority's (EWA) Water Pollution Control Facility in Carlsbad. **Verification is required.**

3.9.2 Analysis of Project Effects and Determination as to significance. The existing 8-inch Piraeus Street VCP gravity sewer line receives all wastewater flows from residences in the area known as "Crest Acres" east of Piraeus Street, including Capri Road, Capri Elementary School (740 students) Caudor Road, Gascony Road, Burgundy Road, Skyloft Clusters PUD, Monte Mira PUD, Olympus Road, Normandy Road, etc., and south to Leucadia Blvd.

- The proposed **Piraeus Point Townhomes** 149 Equivalent Dwelling Units (EDU's) - with a potential population of 455 or more, persons - new connections having the potential to disrupt wastewater flow. The ECC is very much concerned with the present capacity let alone discharging an additional approximately (455 persons x 75 gallons/day) equates 34,125 gallons per day into a 70 year +/- 8-inch gravity flow sewer line.

3.9.3 Cumulative Impact Analysis. Can the existing Piraeus Street 8-inch diameter VCP wastewater/sewer line receive the proposed 149 Equivalent Dwelling Units (EDU's) - with a potential population of 455 persons with - new connections without having the potential to disrupt wastewater flow?

3.9.3.1 Residents in the LWD area strongly oppose subsidizing the costs of any new sewer lines infrastructure through an increase in LWD fees due to the construction of the **Piraeus Point Townhomes**. These costs, if any, shall be reimbursed by the applicant to LWD either through connection fees or direct reimbursable capital improvement (CIP) costs.

3.9.3.2 Water.

Existing **Conditions:** The San Dieguito Water District (District) is one of two (2) water districts that serve the City of Encinitas (City), which includes the communities of Old Encinitas, New Encinitas, Leucadia, Cardiff, and Olivenhain. The District provides potable water and recycled water to approximately 38,000 customers within its service area, while Olivenhain Municipal Water District (OWMD) serves the rest of the City. The Districts water supply portfolio includes local surface water from Lake Hodges, purchased treated and raw water from the San Diego County Water Authority (SDCWA), and recycled water produced by surrounding wastewater agencies with tertiary treatment.

Projected water demand for the SDWD for all water use sectors except for agriculture were adjusted to increase proportionally with population growth. Table 3.9.3.2 shows the projected population served by the SDWD from 2020 to 2045.

TABLE 3.9.3.2 CURRENT AND PROJECTED POPULATION (Calendar Year Data)

Population Served	2020	2025	2030	2035	2040	2045
	37,856	39,208	39,653	39,800	40,240	41,246

Source: SDWD 2020

4B-56
cont'd

4B-57

4B-58

4B-59

4B-60

4B-59

Comment Summary:

The commenter asserts that residents of the LWD area oppose subsidizing costs of new sewer line infrastructure by increasing LWD fees and that such costs should be reimbursed by the project applicant to LWD.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-60

Comment Summary:

The commenter provides general background information describing current and projected future total water demand needs of the San Dieguito Water District (SDWD).

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.9.3.3 shows the SDWD's estimated water supply projections from 2020 to the year 2045.

TABLE 3.9.3.3 TOTAL WATER DEMAND IN ACRE-FEET PER YEAR

	2020	2025	2030	2035	2040	2045
Potable and Raw Water	5,463	5,796	6,156	6,243	6,404	6,611
Recycled Water Demand	642	700	700	700	700	700
Total Water Demand	6,105	6,496	6,856	6,943	7,104	7,311

Source: SDWD 2020

3.9.3.4 Analysis of Project Effects and Determination as to significance. *The Piraeus Point Townhomes* will use an average of 75 gallons per person per day. (per the current Water Agencies Standards, Section) including the irrigation water for drought tolerant plantings and trees. Based on this capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38 acre feet. This project will impact significantly the City's water resources currently three (3) years in a State wide Level 2 drought.

- **Drought Issues.** Currently a Level 2 advisory water reduction is in effect for all SDWD customers until June 10, 2023. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and limit landscaping irrigation to functional use only. It appears incongruous that major residential projects that will consume more than **38 acre feet** are being considered or worse approved, while existing customers are reducing their usage due to a drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

3.9.3.5 Cumulative Impact Analysis. This project will have a significant negative impact cumulatively, to the City's water resources, i.e., SDWD and the wastewater system, i.e., LWD.

- *The ECC believes the Lennar Draft Scoping EIR does not address the Utilities and Services Facilities concerns as identified herein and therefor the responses are deemed inadequate*

3.9.3.6 STORMWATER

Existing Conditions. The project site is undeveloped vacant land and therefore any and all rainfall is absorbed by the soil to the point of saturation whereby surface water would flow on to Plato Place at the south, to Piraeus Street at the west and into the natural ravine at the north property line. Contiguous properties to the east property line surface waters may possibly flow onto the project site depending upon the grade elevations, which are variable.

The location of the project is within the Vulcan Watershed which drains to Batiquitos Lagoon via an 18-inch diameter outfall north of La Costa Avenue 200 feet east of Vulcan Rd.

4B-60
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4B-61

4B-62

4B-63

4B-64

4B-61

Comment Summary:

The commenter asserts that customers of the SDWD are currently subject to advisory water reduction measures and questions why development projects which have greater water demand needs are being approved while existing customers are having to reduce their water use. The commenter asserts that a moratorium should be enacted on all construction projects, as this is the 3rd year of a state-wide drought condition.

Response:

Please refer to Response 4A-15.

4B-62

Comment Summary:

The commenter asserts that the proposed project will have a cumulatively significant negative impact on SDWD and LWD resources.

Response:

Potential cumulative impacts of the proposed project relative to water supply and wastewater are adequately analyzed in Section 3.14, Utilities and Service Systems, of the EIR. As described in the EIR, as the project is consistent with the City's General Plan and is within the population increase anticipated by the SDWD 2020 UWMP, it is anticipated that the SDWD's existing facilities would be capable of serving the proposed 149 residential units proposed with the project. The SDWD's 2020 UWMP demonstrates that the district is planning to meet future and existing demands, which include the demand increment associated with the growth forecast.

The SDWD will incorporate the proposed project and the cumulative projects identified into their water system hydraulic model to determine potential impacts on the existing water system over time. As with the proposed project, the cumulative projects would also be required to receive a will-serve letter from the SDWD as part of the discretionary review process. The will-serve letter would indicate whether the SDWD is expected to be able to serve the project for the next 5 years. If approved, the cumulative projects would also be included within future UWMP

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.9.3.3 shows the SDWD's estimated water supply projections from 2020 to the year 2045.

TABLE 3.9.3.3 TOTAL WATER DEMAND IN ACRE-FEET PER YEAR

	2020	2025	2030	2035	2040	2045
Potable and Raw Water	5,463	5,796	6,156	6,243	6,404	6,611
Recycled Water Demand	642	700	700	700	700	700
Total Water Demand	6,105	6,496	6,856	6,943	7,104	7,311

Source: SDWD 2020

3.9.3.4 Analysis of Project Effects and Determination as to significance. *The Piraeus Point Townhomes* will use an average of 75 gallons per person per day. (per the current Water Agencies Standards, Section) including the irrigation water for drought tolerant plantings and trees. Based on this capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38 acre feet. This project will impact significantly the City's water resources currently three (3) years in a State wide Level 2 drought.

- **Drought Issues.** Currently a Level 2 advisory water reduction is in effect for all SDWD customers until June 10, 2023. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and limit landscaping irrigation to functional use only. It appears incongruous that major residential projects that will consume more than **38 acre feet** are being considered or worse approved, while existing customers are reducing their usage due to a drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

3.9.3.5 Cumulative Impact Analysis. This project will have a significant negative impact cumulatively, to the City's water resources, i.e., SDWD and the wastewater system, i.e., LWD.

- **The ECC believes the Lennar Draft Scoping EIR does not address the Utilities and Services Facilities concerns as identified herein and therefore the responses are deemed inadequate**

3.9.3.6 STORMWATER

Existing Conditions. The project site is undeveloped vacant land and therefore any and all rainfall is absorbed by the soil to the point of saturation whereby surface water would flow on to Plato Place at the south, to Piraeus Street at the west and into the natural ravine at the north property line. Contiguous properties to the east property line surface waters may possibly flow onto the project site depending upon the grade elevations, which are variable.

The location of the project is within the Vulcan Watershed which drains to Batiquitos Lagoon via an 18-inch diameter outfall north of La Costa Avenue 200 feet east of Vulcan Rd.

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updates so their water use would be considered in the evaluation of service provision for future projects. For these reasons, the project is not anticipated to contribute to a significant cumulative impact related to water supply. Cumulative impacts would be less than significant in this regard.

Furthermore, wastewater agencies anticipated to serve the project are not at capacity and have anticipated population growth in the City of Encinitas. Similar to the proposed project, cumulative projects would receive a completed a *Project Facility Availability Form* which indicates whether the affected service district is able to serve a new development as proposed. Under existing plus project conditions, no stretches of existing off-site sewer lines affected by the proposed project would exceed the City's replacement criteria. The project would not negatively impact the existing sewer infrastructure that would serve the subject site, and existing sewer mains would meet the maximum depth and minimum velocity requirements. The Saxony Pump Station, which would accommodate wastewater flows from the project site, has sufficient capacity to pump project sewerage flows. Similarly, future cumulative projects would be required to evaluate the ability of the affected wastewater district to adequately serve proposed development and to identify any required infrastructure improvements.

As part of the discretionary approval process, cumulative projects would be required to provide on-site sewer infrastructure and pay appropriate sewer system connection fees. The City's Public Works Department's existing requirements would ensure that sewer facilities would be sized appropriately and that wastewater treatment requirements of the RWQCB would not be exceeded. For the reasons stated above, the project is not anticipated to contribute to a significant cumulative impact related to wastewater.

4B-63

Comment Summary:

The commenter asserts that the EIR does not adequately address the identified concerns pertaining to Utilities and Service Systems.

The Urban Water Management Planning Act requires every urban water supplier to assess the reliability of its water supply for normal, single dry, and multiple dry years. Single-dry and multiple-dry year conditions were based on the SDWD's historical water use records. Table 3.9.3.3 shows the SDWD's estimated water supply projections from 2020 to the year 2045.

TABLE 3.9.3.3 TOTAL WATER DEMAND IN ACRE-FEET PER YEAR

	2020	2025	2030	2035	2040	2045
Potable and Raw Water	5,463	5,796	6,156	6,243	6,404	6,611
Recycled Water Demand	642	700	700	700	700	700
Total Water Demand	6,105	6,496	6,856	6,943	7,104	7,311

Source: SDWD 2020

3.9.3.4 Analysis of Project Effects and Determination as to significance. *The Piraeus Point Townhomes* will use an average of 75 gallons per person per day. (per the current Water Agencies Standards, Section) including the irrigation water for drought tolerant plantings and trees. Based on this capita per day usage the overall volume of water that will be consumed by this project equates to approximately 38 acre feet. This project will impact significantly the City's water resources currently three (3) years in a State wide Level 2 drought.

- **Drought Issues.** Currently a Level 2 advisory water reduction is in effect for all SDWD customers until June 10, 2023. Level 2 means each customer shall voluntarily reduce their water consumption by 10% and limit landscaping irrigation to functional use only. It appears incongruous that major residential projects that will consume more than **38 acre feet** are being considered or worse approved, while existing customers are reducing their usage due to a drought condition. At the very least a moratorium should be enacted on all construction projects during the 3rd year of a State wide drought condition.

3.9.3.5 Cumulative Impact Analysis. This project will have a significant negative impact cumulatively, to the City's water resources, i.e., SDWD and the wastewater system, i.e., LWD.

- *The ECC believes the Lennar Draft Scoping EIR does not address the Utilities and Services Facilities concerns as identified herein and therefor the responses are deemed inadequate*

3.9.3.6 STORMWATER

Existing Conditions. The project site is undeveloped vacant land and therefore any and all rainfall is absorbed by the soil to the point of saturation whereby surface water would flow on to Plato Place at the south, to Piraeus Street at the west and into the natural ravine at the north property line. Contiguous properties to the east property line surface waters may possibly flow onto the project site depending upon the grade elevations, which are variable.

The location of the project is within the Vulcan Watershed which drains to Batiquitos Lagoon via an 18-inch diameter outfall north of La Costa Avenue 200 feet east of Vulcan Rd.

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4B-64

Response:

Please refer to Responses 4B-56 and 4B-62 above.

4B-64

Comment Summary:

The commenter summarizes existing conditions at the project site associated with stormwater runoff/drainage.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

3.9.3.7 Analysis of Project Effects and Determination as to significance. The ECC requests that the surface water discharges from *Piraeus Point Townhomes* subjected to a 2, 5, 10, 25, 50 and 100 year storm events be calculated per Civil Engineering Guidelines for coastal San Diego County and in accordance with but not limited to, California Title 24 and the City of Encinitas Municipal Code.

The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater piping system. Stormwater overflows shall be conveyed off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous mitigation target property Parcel B.

- Currently impervious surface water runoffs flowing from Caudor Street and roads north of Capri Road flow east to west then north to south and south to north respectively, flowing onto Plato Place. The Plato Place stormwater flow is conveyed via open earth ditches, concrete channels and culverts, discharging downgradient in a westerly direction to a point of convergence. This convergence point is located south of Plato Place and east of Piraeus Street. A culvert under Piraeus Street drains the converging flows in a westerly direction and then flows north within the boundaries of the Interstate-5 Freeway through a series of RCP pipes, culverts and catch basins, to the 18-inch diameter Vulcan Outfall at Batiquitos Lagoon, as noted.
- The ECC respectfully, requests the engaged Civil Engineering Consultant determine how the noted stormwater discharge will be enhanced and conveyed including the stormwater overflow from *Piraeus Point Townhomes*. Such enhancements or modifications shall not create a condition detrimental to the existing stormwater discharges of the ECC, area, e.g., flooding.
- The ECC is aware of the use and installation of hydromodification basins, bioretention basins, stormwater storage cisterns, drywell(s) and the like. The concern is back-to-back high intensity inundation storm events that will create flooding due to the saturated soils inability to absorb additional stormwater over time, as noted. A case in point is just south of the intersection of Piraeus Street and La Costa Avenue the existing drainage area (west of Piraeus Street) presently floods during high intensity storm events. An issue that the City has failed to resolve.

3.9.4 Cumulative Impact Analysis. A peer review of the stormwater modeling/scenarios will be conducted by the ECC to verify the effectiveness of the stormwater design.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Stormwater concerns as identified herein and therefore the response is deemed adequate*

4.0 PARKING ISSUES

a. There shall be no spillover or project owner or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All cars whether residents or visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only.

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4B-72

4B-65

Comment Summary:

The commenter requests that surface water discharges for the proposed project subjected to various classifications of storm events be calculated per Civil Engineering Guidelines for coastal San Diego County and in accordance with, but not limited to, California Title 24 and the City of Encinitas Municipal Code.

Response:

Potential project impacts relative to hydrology are addressed in Section 3.8, Hydrology and Water Quality, of the EIR. Hydrologic modeling was prepared in conformance with County of San Diego Hydrology Manual and City of Encinitas Engineering Design Manual standards. All proposed drainage improvements would be sized to accommodate a 100-year storm event; the need to calculate storm events as identified by the commenter is not supported.

4B-66

Comment Summary:

The commenter states that the project stormwater shall be pretreated prior to being discharged from the site and that stormwater overflows shall be discharged offsite to an approved Best Available Control Technology hydromodification pretreatment/retention location, possibly to contiguous Parcel B.

Response:

Please refer to Response 4A-16.

4B-67

Comment Summary:

The commenter describes existing surface water runoff drainage patterns in the project area.

3.9.3.7 Analysis of Project Effects and Determination as to significance. The ECC requests that the surface water discharges from *Piraeus Point Townhomes* subjected to a 2, 5, 10, 25, 50 and 100 year storm events be calculated per Civil Engineering Guidelines for coastal San Diego County and in accordance with but not limited to, California Title 24 and the City of Encinitas Municipal Code.

The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater piping system. Stormwater overflows shall be conveyed off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous mitigation target property Parcel B.

- Currently impervious surface water runoffs flowing from Caudor Street and roads north of Capri Road flow east to west then north to south and south to north respectively, flowing onto Plato Place. The Plato Place stormwater flow is conveyed via open earth ditches, concrete channels and culverts, discharging downgradient in a westerly direction to a point of convergence. This convergence point is located south of Plato Place and east of Piraeus Street. A culvert under Piraeus Street drains the converging flows in a westerly direction and then flows north within the boundaries of the Interstate-5 Freeway through a series of RCP pipes, culverts and catch basins, to the 18-inch diameter Vulcan Outfall at Batiquitos Lagoon, as noted.
- The ECC respectfully, requests the engaged Civil Engineering Consultant determine how the noted stormwater discharge will be enhanced and conveyed including the stormwater overflow from *Piraeus Point Townhomes*. Such enhancements or modifications shall not create a condition detrimental to the existing stormwater discharges of the ECC, area, e.g., flooding.
- The ECC is aware of the use and installation of hydromodification basins, bioretention basins, stormwater storage cisterns, drywell(s) and the like. The concern is back-to-back high intensity inundation storm events that will create flooding due to the saturated soils inability to absorb additional stormwater over time, as noted. A case in point is just south of the intersection of Piraeus Street and La Costa Avenue the existing drainage area (west of Piraeus Street) presently floods during high intensity storm events. An issue that the City has failed to resolve.

3.9.4 Cumulative Impact Analysis. A peer review of the stormwater modeling/scenarios will be conducted by the ECC to verify the effectiveness of the stormwater design.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Stormwater concerns as identified herein and therefore the response is deemed adequate*

4.0 PARKING ISSUES

a. There shall be no spillover or project owner or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All cars whether residents or visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only.

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4B-68

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4B-70

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4B-72

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

4B-68

Comment Summary:

The commenter requests that the applicant's engineer determine how stormwater discharge from the project site would be enhanced and conveyed. The commenter asserts that project enhancements or modifications are not to create detrimental effects on existing discharges in the area.

Response:

The project proposes use of a biofiltration basin to meet treatment and flow control requirements listed in the City of Encinitas Best Management Practices (BMP) Manual for post-construction BMPs. As shown in the *Preliminary Hydrology Study* prepared for the proposed project (Appendix I-1 of the EIR), the unmitigated peak flow from the proposed onsite drainage areas would exceed or be equivalent to flows under existing conditions. To reduce flow rates, the project design includes an onsite biofiltration basin that would provide stormwater pollutant control to meet the requirements of the San Diego RWQCB municipal stormwater permit and City Stormwater standards. The biofiltration basin would also provide mitigation for the 6-hour, 100-year storm event peak discharge. Post-development flows for all proposed onsite drainage areas would be reduced as compared to pre-development conditions, and would not contribute to adverse effects on existing stormwater facilities (e.g., potential for flooding).

4B-69

Comment Summary:

The commenter states concern regarding the inability of saturated soils to absorb additional stormwater in the event of back-to-back, high intensity inundation storm events that may cause flooding. The commenter asserts that the City has failed to resolve similar conditions that occur just south of the La Costa Avenue/Piraeus Street intersection.

Preface and Responses to Comments

3.9.3.7 Analysis of Project Effects and Determination as to significance. The ECC requests that the surface water discharges from *Piraeus Point Townhomes* subjected to a 2, 5, 10, 25, 50 and 100 year storm events be calculated per Civil Engineering Guidelines for coastal San Diego County and in accordance with but not limited to, California Title 24 and the City of Encinitas Municipal Code.

The *Piraeus Point Townhomes* stormwater shall be pretreated prior to being discharged to the stormwater piping system. Stormwater overflows shall be conveyed off site to an approved Best Available Control Technology (BACT) hydromodification pretreatment/retention location, possibly to the contiguous mitigation target property Parcel B.

- Currently impervious surface water runoffs flowing from Caudor Street and roads north of Capri Road flow east to west then north to south and south to north respectively, flowing onto Plato Place. The Plato Place stormwater flow is conveyed via open earth ditches, concrete channels and culverts, discharging downgradient in a westerly direction to a point of convergence. This convergence point is located south of Plato Place and east of Piraeus Street. A culvert under Piraeus Street drains the converging flows in a westerly direction and then flows north within the boundaries of the Interstate-5 Freeway through a series of RCP pipes, culverts and catch basins, to the 18-inch diameter Vulcan Outfall at Batiquitos Lagoon, as noted.
- The ECC respectfully, requests the engaged Civil Engineering Consultant determine how the noted stormwater discharge will be enhanced and conveyed including the stormwater overflow from *Piraeus Point Townhomes*. Such enhancements or modifications shall not create a condition detrimental to the existing stormwater discharges of the ECC, area, e.g., flooding.
- The ECC is aware of the use and installation of hydromodification basins, bioretention basins, stormwater storage cisterns, drywell(s) and the like. The concern is back-to-back high intensity inundation storm events that will create flooding due to the saturated soils inability to absorb additional stormwater over time, as noted. A case in point is just south of the intersection of Piraeus Street and La Costa Avenue the existing drainage area (west of Piraeus Street) presently floods during high intensity storm events. An issue that the City has failed to resolve.

3.9.4 Cumulative Impact Analysis. A peer review of the stormwater modeling/scenarios will be conducted by the ECC to verify the effectiveness of the stormwater design.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Stormwater concerns as identified herein and therefore the response is deemed adequate*

4.0 PARKING ISSUES

a. There shall be no spillover or project owner or visitor parking allowed on Plato Place or Piraeus Street, as both are currently non-conforming rural roads. All cars whether residents or visitors or service delivery vehicles shall be parked on *Piraeus Point Townhomes* property only.

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4B-72

Response:

Refer to Response 4B-68, above. With incorporation of proposed site improvements and BMPs, the project would reduce stormwater flow rates for the various drainage areas of the project site. As such, the project would not substantially alter existing onsite drainage patterns and would decrease stormwater flows from the site as compared to the pre-development condition. Thus, the project as designed would not contribute to adverse effects on existing area stormwater infrastructure facilities.

4B-70

Comment Summary:

The commenter indicates that the Encinitas Community Collective will be conducting a peer review of the stormwater modeling/scenarios.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-71

Comment Summary:

The commenter asserts that the EIR adequately addresses the stated concerns pertaining to stormwater.

Response:

Refer to Responses 4B-64 to 4B-70. This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-72

Comment Summary:

The commenter asserts that all resident, guest, and service delivery parking shall occur on the project site only, and that no offsite parking shall be allowed on Plato Place or Piraeus Street.

b. In the absence of sidewalks, - where curbs if installed can normally be painted red (to alert drivers of a no parking location) - e.g., Piraeus Street, Plato Place, Caudor Street and Capri Road all shall have new “**NO PARKING**” signs installed by the City per the CVC.
c. The *Piraeus Point Townhomes* project has the potential for one (1) vehicle per bedroom, i.e., 306, however with 149 Condominiums and where each Condominium has a 2-car garage this equates to 298 residential vehicles. Confirmation by the developer/applicant of the actual total residential parking calculated for the condominiums, is requested.

d. Additionally, and more importantly, please identify where the Visitor Parking will be located, including service vehicles, delivery vehicles, trash collection trucks, furniture moving vans, U.S. Post Office Delivery Vans, etc.

- *The ECC believes the Lennar Draft Scoping EIR does not address the Parking concerns as identified herein and therefor the responses are deemed inadequate*

5.0. LIGHTING

a. **Lighting.** Street Lamp Poles are required per the City of Encinitas SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon. Therefore, external lighting shall be reduced or eliminated. The ECC discussed with Mr. Brian Grover that light bollards providing pathway lighting would most likely be acceptable.

b. **Rooftop Decks.** If constructed, these would add to Light and Noise pollution – please eliminate and do not include this intrusive addition. Further, barbecues on rooftops, if allowed, are a potential fire hazard, notwithstanding the nuisance cooking odors, an Air Quality issue.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Lighting and the Rooftop Decks concerns as identified herein and therefor the response is deemed adequate*

6.0 TREES and PLANTINGS

a. The ECC believes that with the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the planting of the required 30 native trees per acre. The total number of required trees is 180 +/- as per the City of Encinitas Municipal Code. Compliance may not be possible. All plantings shall be native drought tolerant and non-invasive.

b. Depending on the selected species of native trees and their size at maturity, they could possibly serve as an ambient noise buffer for the residents of *Piraeus Point Townhomes*, as well as providing shading.

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Response:

Please refer to Master Response 1.

4B-73

Comment Summary:

The commenter asserts that “NO PARKING” signs shall be installed on Piraeus Street, Plato Place, Caudor Street, and Capri Road per City regulations.

Response:

Please refer to Master Response 1.

4B-74

Comment Summary:

The commenter requests confirmation by the applicant of the actual total residential parking calculated for the residences.

Response:

Please refer to Master Response 1.

4B-75

Comment Summary:

The commenter requests confirmation as to where proposed visitor parking (e.g., service vehicles, delivery vehicles, etc.) would be located.

Response:

A total of 25 outdoor shared parking spaces are proposed adjacent to the on-site pool use/common area for use by residents and their guests, as well as along the northern portion of the community. Refer to the EIR Figure 2.0-3, Conceptual Site Plan, and the improvement plan set (e.g., Condominium Tentative Map) prepared as part of the discretionary approval requirements.

Preface and Responses to Comments

b. In the absence of sidewalks, - where curbs if installed can normally be painted red (to alert drivers of a no parking location) - e.g., Piraeus Street, Plato Place, Caudor Street and Capri Road all shall have new “**NO PARKING**” signs installed by the City per the CVC.

c. The *Piraeus Point Townhomes* project has the potential for one (1) vehicle per bedroom, i.e., 306, however with 149 Condominiums and where each Condominium has a 2-car garage this equates to 298 residential vehicles. Confirmation by the developer/applicant of the actual total residential parking calculated for the condominiums, is requested.

d. Additionally, and more importantly, please identify where the Visitor Parking will be located, including service vehicles, delivery vehicles, trash collection trucks, furniture moving vans, U.S. Post Office Delivery Vans, etc.

- *The ECC believes the Lennar Draft Scoping EIR does not address the Parking concerns as identified herein and therefor the responses are deemed inadequate*

5.0. LIGHTING

a. **Lighting.** Street Lamp Poles are required per the City of Encinitas SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon. Therefore, external lighting shall be reduced or eliminated. The ECC discussed with Mr. Brian Grover that light bollards providing pathway lighting would most likely be acceptable.

b. **Rooftop Decks.** If constructed, these would add to Light and Noise pollution – please eliminate and do not include this intrusive addition. Further, barbecues on rooftops, if allowed, are a potential fire hazard, notwithstanding the nuisance cooking odors, an Air Quality issue.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Lighting and the Rooftop Decks concerns as identified herein and therefor the response is deemed adequate*

6.0 TREES and PLANTINGS

a. The ECC believes that with the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the planting of the required 30 native trees per acre. The total number of required trees is 180 +/- as per the City of Encinitas Municipal Code. Compliance may not be possible. All plantings shall be native drought tolerant and non-invasive.

b. Depending on the selected species of native trees and their size at maturity, they could possibly serve as an ambient noise buffer for the residents of *Piraeus Point Townhomes*, as well as providing shading.

4B-73

4B-74

4B-75

4B-76

4B-77

4B-78

4B-79

4B-80

4B-81

4B-76

Comment Summary:

The commenter asserts that the stated concerns relative to parking are not adequately addressed in the EIR.

Response:

Please refer to Master Response 1 and Responses 4B-72 to 4B-75.

4B-77

Comment Summary:

The commenter asserts that installation of streetlights along the project frontage on Piraeus Street is required. The commenter requests that no lighting be installed that would project light into the night sky or the surrounding community. The commenter asserts that Leucadia is a dark skies community, in particular due to proximity to Batiquitos Lagoon, and that external lighting for the project shall be reduced or eliminated. The commenter also refers to prior conversation with the project applicant regarding the appropriateness of light bollards for onsite pathways.

Response:

Please refer to Response 4A-19.

4B-78

Comment Summary:

The commenter asserts that the proposed rooftop decks would contribute to area light and noise pollution and that the use of barbecues on rooftop decks would pose fire hazard and odor-related issues.

Response:

Please refer to Master Response 4 and Response 4A-19. The use of roof-top barbecues and safety-related concerns would be handled and maintained through the project’s homeowners association. It is assumed that residents would comply with manufacturer’s recommendations and safety procedures for personal use of barbecues to ensure that potential fire risks are minimized. Such activities do not require evaluation pursuant to CEQA. Rooftop barbecues are anticipated to be used intermittently and

b. In the absence of sidewalks, - where curbs if installed can normally be painted red (to alert drivers of a no parking location) - e.g., Piraeus Street, Plato Place, Caudor Street and Capri Road all shall have new “**NO PARKING**” signs installed by the City per the CVC.

c. The **Piraeus Point Townhomes** project has the potential for one (1) vehicle per bedroom, i.e., 306, however with 149 Condominiums and where each Condominium has a 2-car garage this equates to 298 residential vehicles. Confirmation by the developer/applicant of the actual total residential parking calculated for the condominiums, is requested.

d. Additionally, and more importantly, please identify where the Visitor Parking will be located, including service vehicles, delivery vehicles, trash collection trucks, furniture moving vans, U.S. Post Office Delivery Vans, etc.

- **The ECC believes the Lennar Draft Scoping EIR does not address the Parking concerns as identified herein and therefor the responses are deemed inadequate**

5.0. LIGHTING

a. **Lighting.** Street Lamp Poles are required per the City of Encinitas SAC Meeting Report, on Piraeus Street only for the west property line parallel to Piraeus Street. However, the ECC is requesting that there shall be no pole lamps or roof-deck lighting or lights that project light into the night sky or the surrounding community. LEUCADIA is a DARK SKIES Community because of the sensitivity and close proximity to Batiquitos Lagoon. Therefore, external lighting shall be reduced or eliminated. The ECC discussed with Mr. Brian Grover that light bollards providing pathway lighting would most likely be acceptable.

b. **Rooftop Decks.** If constructed, these would add to Light and Noise pollution – please eliminate and do not include this intrusive addition. Further, barbecues on rooftops, if allowed, are a potential fire hazard, notwithstanding the nuisance cooking odors, an Air Quality issue.

- **The ECC believes the Lennar Draft Scoping EIR addresses the Lighting and the Rooftop Decks concerns as identified herein and therefor the response is deemed adequate**

6.0 TREES and PLANTINGS

a. The ECC believes that with the following setbacks: 1) A 60-foot set back along Piraeus 2) A 15-foot set back at Plato Place 3) A 16-foot east property line setback to accommodate the existing SDG&E high voltage overhead, wooden power poles 4) A 50-foot setback - per CEQA - from the ravine at the north property line will limit the available area for the planting of the required 30 native trees per acre. The total number of required trees is 180 +/- as per the City of Encinitas Municipal Code. Compliance may not be possible. All plantings shall be native drought tolerant and non-invasive.

b. Depending on the selected species of native trees and their size at maturity, they could possibly serve as an ambient noise buffer for the residents of **Piraeus Point Townhomes**, as well as providing shading.

4B-73

4B-74

4B-75

4B-76

4B-77

4B-78

4B-79

4B-80

4B-81

do not represent a land use typically associated with adverse air quality effects (odors); refer to EIR Section 3.2, Air Quality.

4B-79

Comment Summary:

The commenter asserts that the EIR adequately addresses the stated concerns pertaining to Lighting and Rooftop Decks.

Response:

Refer to Responses 4B-77 to 4B-78. This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-80

Comment Summary:

The commenter states number of development setbacks that would “limit the available area for the required planting of 30 native trees per acre.” The commenter asserts that all plantings shall be native drought tolerant and non-invasive species.

Response:

Please refer to Response 4A-20.

4B-81

Comment Summary:

The commenter asserts that, depending on the selected species of trees and their size/maturity, trees planted with project landscaping could serve as a noise buffer and provide onsite shading.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

c. The selection of indigenous coastal trees will enhance the project for the benefit of the community. It is to be noted in the City of Encinitas General Plan, the I-5 Interstate Corridor was established to be a “green corridor” on both sides. It is fitting towards keeping with the environmental objectives when the City of Encinitas became incorporated in 1986. Planting trees will be an enhancement for the City, the *Piraeus Point Townhomes* residents, and the community at large.

- The ECC believes the Lennar Draft Scoping EIR addresses the Trees and Planting concerns as identified herein and therefore the response is deemed adequate

7.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

c. Planned Application Supplement City of Encinitas Development Services Department Form S. A review of **Form S**, indicates that Parcel B is a strip of land that runs parallel to the east of a concrete drainage culvert contiguous with Piraeus Street north of Parcel A to south of Sky Loft Road thence from the north side of Sky Loft Road to La Costa Avenue. Parcel A area is 6.876 acres and Parcel B area is 4.93 acres. The parcels have been added to provide a gross acreage of 11.8 acres in order to meet the Encinitas Code Requirements *for Lot Coverage of 65% Maximum*. This procedure of adding the two (2) parcels is invalid per Appendix C- 2013-2021 of the City Housing Element. Only APN 254-144-01-00, i.e., Parcel A area 6.93 acres is shown on page C-8 as Cannon Property (Piraeus) Site Number 02. The “**gross/net**” acreage for development is 6.93 acres. Therefore, **Form S, Lot Coverage** calculations need to be revised and resubmitted to the City for review. See Appendices E.

d. Further, Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers.

Additionally, an SDG&E power poles with overhead 12.6 kV distribution power lines crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a recorded easement and so noted within the Cannon Property Title Report eastern property line..

The power lines parallel to the eastern property line need to be located underground in accordance with the City Policy and Adopted Ordinances

The DRAFT Scoping EIR and Public Notices infer that Parcel A and Parcel B are enjoined and that the townhomes will be constructed on both parcels, which is totally false. The ECC recommendation that Lennar and the City refrain from using this false narrative has been complied with and is currently no longer an issue of concern.

However, the ECC requests that the City resend their request to the Public Agencies indicating their error as described in paragraph D and thereby seek a new/revised Public Agency response.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e.,

4B-82

4B-82

Comment Summary:

The commenter asserts that planting indigenous coastal trees onsite would enhance the project for the benefit of the community, and states that the I-5 corridor was identified in the City’s General Plan as a “green corridor” on both sides.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-84

4B-83

Comment Summary:

The commenter asserts that the EIR adequately addresses the stated concerns relative to Trees and Planting.

Response:

Refer to Responses 4B-81 and 4B-82. This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-85

4B-86

4B-87

4B-88

4B-84

Comment Summary:

The commenter asserts that Planned Application Supplement City of Encinitas Development Services Department Form S for the project must be revised to indicate a gross/net acreage for development of 6.93 acres. The commenter explains that the procedure of adding the two parcels, to meet the City’s Code Requirements to calculate a 65% maximum lot coverage is invalid per Appendix C-2013-2021 of the City’s Housing Element.

Response:

Refer to the Condominium Tentative Map for gross/net acreage of the affected parcels. Such acreages have been calculated in conformance with City regulations and do not require revision, as otherwise suggested by

c. The selection of indigenous coastal trees will enhance the project for the benefit of the community. It is to be noted in the City of Encinitas General Plan, the I-5 Interstate Corridor was established to be a “green corridor” on both sides. It is fitting towards keeping with the environmental objectives when the City of Encinitas became incorporated in 1986. Planting trees will be an enhancement for the City, the *Piraeus Point Townhomes* residents, and the community at large.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Trees and Planting concerns as identified herein and therefor the response is deemed adequate*

7.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

c. Planned Application Supplement City of Encinitas Development Services Department Form S. A review of **Form S**, indicates that Parcel B is a strip of land that runs parallel to the east of a concrete drainage culvert contiguous with Piraeus Street north of Parcel A to south of Sky Loft Road thence from the north side of Sky Loft Road to La Costa Avenue. Parcel A area is 6.876 acres and Parcel B area is 4.93 acres. The parcels have been added to provide a gross acreage of 11.8 acres in order to meet the Encinitas Code Requirements *for Lot Coverage of 65% Maximum*. This procedure of adding the two (2) parcels is invalid per Appendix C- 2013-2021 of the City Housing Element. Only APN 254-144-01-00, i.e., Parcel A area 6.93 acres is shown on page C-8 as Cannon Property (Piraeus) Site Number 02. The “**gross/net**” acreage for development is 6.93 acres. Therefore, **Form S, Lot Coverage** calculations need to be revised and resubmitted to the City for review. See Appendices E.

d. Further, Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers.

Additionally, an SDG&E power poles with overhead 12.6 kV distribution power lines crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a recorded easement and so noted within the Cannon Property Title Report eastern property line..

The power lines parallel to the eastern property line need to be located underground in accordance with the City Policy and Adopted Ordinances

The DRAFT Scoping EIR and Public Notices infer that Parcel A and Parcel B are enjoined and that the townhomes will be constructed on both parcels, which is totally false. The ECC recommendation that Lennar and the City refrain from using this false narrative has been complied with and is currently no longer an issue of concern.

However, the ECC requests that the City resend their request to the Public Agencies indicating their error as described in paragraph D and thereby seek a new/revised Public Agency response.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e.,

4B-82

4B-83

4B-84

4B-85

4B-86

4B-87

4B-88

the commenter. The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

4B-85

Comment Summary:

The commenter asserts that Parcel B (northernmost parcel) is “unbuildable” and notes its location within the City’s Subarea Plan, as well as the presence of sensitive habitat and California gnatcatcher.

Response:

Please refer to Responses 1B-5 and 4A-23.

4B-86

Comment Summary:

The commenter asserts that the project shall underground the existing power lines traversing the property in accordance with City requirements.

Response:

Please refer to Response 4A-23.

4B-87

Comment Summary:

The commenter asserts that the EIR and public notices for the project inferred that Parcel A and Parcel B are enjoined and that housing will be constructed on both parcels; however, the commenter notes that this issue has been corrected and is “no longer an issue of concern” to the commenter. The commenter requests that the City resend a request for comment to public agencies after correcting the error.

Response:

As described in EIR Section 2.0, Project Description, the proposed development would be limited to APN 254-144-01-00, totaling approximately 6.88 acres. The parcel adjacent to the north (APN 216-110-35-00) is not proposed for development and would be preserved in perpetuity to mitigate for biological impacts resulting with the project.

Preface and Responses to Comments

c. The selection of indigenous coastal trees will enhance the project for the benefit of the community. It is to be noted in the City of Encinitas General Plan, the I-5 Interstate Corridor was established to be a “green corridor” on both sides. It is fitting towards keeping with the environmental objectives when the City of Encinitas became incorporated in 1986. Planting trees will be an enhancement for the City, the *Piraeus Point Townhomes* residents, and the community at large.

- *The ECC believes the Lennar Draft Scoping EIR addresses the Trees and Planting concerns as identified herein and therefore the response is deemed adequate*

7.0 Application Project Review. The ECC conducted a review of the Applicants package as follows:

c. Planned Application Supplement City of Encinitas Development Services Department Form S. A review of **Form S**, indicates that Parcel B is a strip of land that runs parallel to the east of a concrete drainage culvert contiguous with Piraeus Street north of Parcel A to south of Sky Loft Road thence from the north side of Sky Loft Road to La Costa Avenue. Parcel A area is 6.876 acres and Parcel B area is 4.93 acres. The parcels have been added to provide a gross acreage of 11.8 acres in order to meet the Encinitas Code Requirements *for Lot Coverage of 65% Maximum*. This procedure of adding the two (2) parcels is invalid per Appendix C- 2013-2021 of the City Housing Element. Only APN 254-144-01-00, i.e., Parcel A area 6.93 acres is shown on page C-8 as Cannon Property (Piraeus) Site Number 02. The “**gross/net**” acreage for development is 6.93 acres. Therefore, **Form S, Lot Coverage** calculations need to be revised and resubmitted to the City for review. See Appendices E.

d. Further, Parcel B area 4.93 acres, is totally unbuildable and is located within the City of Encinitas Subarea Plan of the MHCP Coastal Sage Scrub (CSS) and Southern Maritime Chaparral and California Gnatcatchers.

Additionally, an SDG&E power poles with overhead 12.6 kV distribution power lines crosses the south portion of Parcel B between Sky Loft Road and Plato Place, as per a recorded easement and so noted within the Cannon Property Title Report eastern property line..

The power lines parallel to the eastern property line need to be located underground in accordance with the City Policy and Adopted Ordinances

The DRAFT Scoping EIR and Public Notices infer that Parcel A and Parcel B are enjoined and that the townhomes will be constructed on both parcels, which is totally false. The ECC recommendation that Lennar and the City refrain from using this false narrative has been complied with and is currently no longer an issue of concern.

However, the ECC requests that the City resend their request to the Public Agencies indicating their error as described in paragraph D and thereby seek a new/revised Public Agency response.

Additionally, The City Housing Element Inclusionary Economic Analysis specifically for Townhomes - see pages 88-90/420 – indicate the allowable density of Townhomes is R-15, i.e.,

4B-82

4B-83

4B-84

4B-85

4B-86

4B-87

4B-88

At the time when the Notice of Preparation was published, APN 254-144-01-00 was included in the overall acreage of the project site; however, the parcel was still planned to be preserved in perpetuity, and it was not stated that development would occur on APN 254-144-01-00. Changes to the boundaries of the proposed “project site” (or proposed development area) have since been made to no longer include APN 254-144-01-00, which is reflected in the EIR. The City has also had regular contact with USFWS, CDFW, and the Coastal Commission throughout the processing of this project. Therefore, the City is not required to resend a request for comment to public agencies, as no error was made in the EIR’s description of the project site. The City, as lead agency, has complied with all public noticing requirements pursuant to CEQA.

4B-88

Comment Summary:

The commenter asserts that the City Housing Element Inclusionary Economic Analysis indicates the “allowable density of townhomes is R-15,” and therefore, a maximum of 60 townhomes would be allowed for development on Parcel A.

Response:

Please refer to Response 4A-24.

maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A.

The city of Encinitas Housing Element Task Force was in error towards accepting the Cannon Property as a candidate for housing property. The Task Force did not conduct the required Due Diligence towards a justifiable decision. Further, had the Task Force realized that the property was total inappropriate as a housing element property it would have been denied as a candidate. Therefore it is not too late to rescind the poor decision made. There has to be accountability towards this extremely poor Housing Element Task Force decision.

8.0 CONCLUSION.

Please be advised that this project is not welcomed by the surrounding community. It is ill-conceived, and if constructed, will be a permanent and irreparable detriment to the existing community.

Piraeus Point Townhomes development will have **significant environmental impacts** within the Visual Scenic Corridor resulting from the destruction/removal of this existing valuable wildlife habitat inland bluff. This project can not be perceived as a community benefit and shall be denied. The Housing Element Task Force was in gross error accepting this property as a multi-family housing project. The site is a Habitat Preservation site.

The Piraeus Point Project does not comply with the SANDAG proposed General Plan to be implemented in 2025. The General Plan Policies are as follows:

- Efficient, Movement of people and goods
- Equitable, Access to housing and mobility options for everyone
- Healthy, Air and reduced greenhouse gases (GHG) emission
- Safe, Transportation system for all users.

None of these policies will occur with the construction of Piraeus Point Townhomes, therefore this project is in conflict with the 2025 SANDAG General Plan and should be denied.

The ECC, as a Community Stakeholder, requests that they be kept informed in every stage of this pending development.

The ECC respectfully requests that Mr. Brian Grover and Mr. David Shepherd of Lennar Inc. exercise a thorough due diligence process including the evaluation of the multitude of critical

4B-88
cont'd

4B-89

4B-90

4B-91

4B-92

4B-93

4B-94

4B-89

Comment Summary:

The commenter asserts that the project site was incorrectly accepted as a candidate for housing development, as the City's Housing Element Task Force did not conduct the required due diligence.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

4B-90

Comment Summary:

The commenter asserts that the project is not supported by the surrounding community and that it would be a "permanent and an irreparable detriment to the existing community."

Response:

Please refer to Response 4A-25.

4B-91

Comment Summary:

The commenter asserts that the project would have a significant environmental impact within the visual scenic corridor due to removal of the existing wildlife habitat inland bluff. The commenter asserts that the project should be denied, and that the subject property should not have been accepted as a multi-family housing project as it should serve as a habitat preservation site.

Response:

Please refer to Master Response 4 and Responses 4A-7 and 4B-89.

Preface and Responses to Comments

maximum of 15 townhomes per acre. Therefore, with approximately 4 acres of buildable acreage a quantity of 60 Townhomes is most likely the maximum quantity allowed for Parcel A.

The city of Encinitas Housing Element Task Force was in error towards accepting the Cannon Property as a candidate for housing property. The Task Force did not conduct the required Due Diligence towards a justifiable decision. Further, had the Task Force realized that the property was total inappropriate as a housing element property it would have been denied as a candidate. Therefore it is not too late to rescind the poor decision made. There has to be accountability towards this extremely poor Housing Element Task Force decision.

8.0 CONCLUSION.

Please be advised that this project is not welcomed by the surrounding community. It is ill-conceived, and if constructed, will be a permanent and irreparable detriment to the existing community.

Piraeus Point Townhomes development will have **significant environmental impacts** within the Visual Scenic Corridor resulting from the destruction/removal of this existing valuable wildlife habitat inland bluff. This project can not be perceived as a community benefit and shall be denied. The Housing Element Task Force was in gross error accepting this property as a multi-family housing project. The site is a Habitat Preservation site.

The Piraeus Point Project does not comply with the SANDAG proposed General Plan to be implemented in 2025. The General Plan Policies are as follows:

- Efficient, Movement of people and goods
- Equitable, Access to housing and mobility options for everyone
- Healthy, Air and reduced greenhouse gases (GHG) emission
- Safe, Transportation system for all users.

None of these policies will occur with the construction of Piraeus Point Townhomes, therefore this project is in conflict with the 2025 SANDAG General Plan and should be denied.

The ECC, as a Community Stakeholder, requests that they be kept informed in every stage of this pending development.

The ECC respectfully requests that Mr. Brian Grover and Mr. David Shepherd of Lennar Inc. exercise a thorough due diligence process including the evaluation of the multitude of critical

4B-88
cont'd

4B-89

4B-90

4B-91

4B-92

4B-93

4B-94

4B-92

Comment Summary:

The commenter asserts that the project does not comply with the “SANDAG proposed General Plan to be implemented in 2025” and should be denied.

Response:

Please refer to Response 4A-28.

4B-93

Comment Summary:

The commenter requests to be informed of the proposed project moving forward.

Response:

Please refer to Response 4A-27.

4B-94

Comment Summary:

The commenter requests that the applicant team “exercise a due diligence process” including evaluation of the issues raised by the ECC in the subject letter and asserts that each issue raised be “addressed and resolved”...“to the satisfaction of the ECC.” The commenter raises an issue of whether the project is of “economic financial risk” and not environmentally justifiable, and asserts that the applicant will choose not to purchase the property.

Response:

Please refer to Response 4A-29.

issues that the ECC Draft Scoping EIR Review clearly identifies and describes. Each of these significant issues have to be addressed and resolved by Lennar Homes and the City to the satisfaction of the ECC. The ECC firmly believes that with careful and respectful evaluation, Lennar Homes will conclude that Piraeus Point Townhomes housing development project is neither an economical financial risk nor is it environmentally justifiable, that a major U.S. public corporation would be proud of. Further, when weighing each of the described CEQA categories, their sub-sets, the quantifiable data, Lennar Homes will be guided to choose not to exercise their “option to purchase” the Cannon Property and thereby avoiding to construct this “negative quality of life” constrained property

**END OF THE ECC DRAFT ENVIRONMENTAL IMPACT REPORT
REVIEW**

4B-94
cont'd

From: Daniel E. Baxter
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Encinitas, CA 92024
danbaxter@cox.net

To: Nick Koutoufidis, Environmental Project Manager,
City of Encinitas, Planning Division
505 S. Vulcan Avenue, Encinitas, CA 92024,
nkoutoufidis@encinitasca.gov
phone (760) 633-2692

Feb 5, 2023

RE: Piraeus Point - December 2022 Draft EIR Comments
Case Nos. MULTI-005158-2022; CDP-005161-2022; SUB-005159-2022; DR-005160-2022

Dear Mr. Koutoufidis, Planning Dept. Reviewers, City Council Members, and other interested parties;

I strongly share the predominant sentiment of nearby residents, as expressed through the CPP process, numerous letters, and EIR comments, that the density of the proposed 149 unit development at Piraeus Point is inappropriate for this location, and not in keeping with the rural residential character of the neighborhood. The character of the neighborhood is the fundamental attribute that led many of us, the current homeowners, to make their largest single lifetime investment here. This project would fundamentally and irrevocably alter the neighborhood in direct contradiction to a long history of regulations and practices in Encinitas, laws and practices which we relied on when making our home purchase decisions. A few of the many contradicted sections of the "Land Use Element" and "Circulation Element" are cited in Appendix 1. Based on this, I believe the project should not be permitted.

5-1

Notwithstanding moral and legal considerations, and the "will" of your constituents, several indications thus far in the process have been that the project will be allowed to proceed. If that is the case, I believe that there are some negative impacts of this proposed development that are not adequately addressed in the EIR (Dec 2022 revision), and at least some of these can and should be mitigated or reduced by the developer and/or through action by the city. Also, there are some potential long term liabilities to the city under the current development plan, that probably should be reduced.

5-2

Many of the following comments don't directly contradict the findings of the Lennar Builders EIR report, rather I believe the scope of their EIR findings did not include adequate mitigation and liability reduction actions that were beyond those which can be easily achieved within the bounds of the Piraeus Point property. Although there are several potential issues with the development plan, primary among them are infrastructure inadequacies related to:

- 1) Pedestrian Safety (Sidewalks / Safe Passage to School),
- 2) Traffic Control, and
- 3) the closely related question of adequacy of planned Parking.

5-3

In addition to my comments regarding these 3 issues, in section four I identify some specific questions related to EIR claims.

PLEASE, consider the existing residents around Piraeus Point, your constituents, who relied on the express plans and intentions of the City, when making their property purchase decisions. Consider the health and safety of pedestrians and motorists in and around the proposed project. If these considerations are still not enough to cause you to deny the project permits, then at least implement some of the mitigations steps recommended here, and by others – steps to help manage growth in a manner that does not degrade the services to, and quality of life of, existing residents.

5-4

5 Daniel E. Baxter

5-1

Comment Summary:

The commenter asserts that the development as proposed is not appropriate for the site, as it would not reflect the existing rural character or density of the surrounding neighborhood. The commenter feels that the project as proposed would conflict with long-standing City regulations that originally resulted in the neighborhood's existing rural residential character.

Response:

Please refer to Master Response 4. The project has been designed in conformance with existing General Plan and zoning regulations, as well as other applicable development regulations, including consistency with the California Coastal Act. The project is subject to the City's discretionary review process to ensure conformance with the intended future development of the subject site for residential use.

5-2

Comment Summary:

The commenter asserts that the project as proposed would result in several adverse impacts that that EIR does not adequately address and that should be mitigated or reduced through applicant or City action. The commenter also indicates that the project as proposed presents potential long-term liabilities for the City.

Response:

The comments provided do not indicate specific negative impacts associated with the proposed project that are not adequately addressed in the EIR, nor do they specify what the long-term liabilities for the City would be. No further response is required.

From: Daniel E. Baxter
1627 Caudor St.
Encinitas, CA 92024
danbaxter@cox.net

To: Nick Koutoufidis, Environmental Project Manager,
City of Encinitas, Planning Division
505 S. Vulcan Avenue, Encinitas, CA 92024,
nkoutoufidis@encinitasca.gov
phone (760) 633-2692

Feb 5, 2023

RE: Piraeus Point - December 2022 Draft EIR Comments
Case Nos. MULTI-005158-2022; CDP-005161-2022; SUB-005159-2022; DR-005160-2022

Dear Mr. Koutoufidis, Planning Dept. Reviewers, City Council Members, and other interested parties;

I strongly share the predominant sentiment of nearby residents, as expressed through the CPP process, numerous letters, and EIR comments, that the density of the proposed 149 unit development at Piraeus Point is inappropriate for this location, and not in keeping with the rural residential character of the neighborhood. The character of the neighborhood is the fundamental attribute that led many of us, the current homeowners, to make their largest single lifetime investment here. This project would fundamentally and irrevocably alter the neighborhood in direct contradiction to a long history of regulations and practices in Encinitas, laws and practices which we relied on when making our home purchase decisions. A few of the many contradicted sections of the "Land Use Element" and "Circulation Element" are cited in Appendix 1. Based on this, I believe the project should not be permitted.

5-1

Notwithstanding moral and legal considerations, and the "will" of your constituents, several indications thus far in the process have been that the project will be allowed to proceed. If that is the case, I believe that there are some negative impacts of this proposed development that are not adequately addressed in the EIR (Dec 2022 revision), and at least some of these can and should be mitigated or reduced by the developer and/or through action by the city. Also, there are some potential long term liabilities to the city under the current development plan, that probably should be reduced.

5-2

Many of the following comments don't directly contradict the findings of the Lennar Builders EIR report, rather I believe the scope of their EIR findings did not include adequate mitigation and liability reduction actions that were beyond those which can be easily achieved within the bounds of the Piraeus Point property. Although there are several potential issues with the development plan, primary among them are infrastructure inadequacies related to:

- 1) Pedestrian Safety (Sidewalks / Safe Passage to School),
- 2) Traffic Control, and
- 3) the closely related question of adequacy of planned Parking.

5-3

In addition to my comments regarding these 3 issues, in section four I identify some specific questions related to EIR claims.

PLEASE, consider the existing residents around Piraeus Point, your constituents, who relied on the express plans and intentions of the City, when making their property purchase decisions. Consider the health and safety of pedestrians and motorists in and around the proposed project. If these considerations are still not enough to cause you to deny the project permits, then at least implement some of the mitigations steps recommended here, and by others – steps to help manage growth in a manner that does not degrade the services to, and quality of life of, existing residents.

5-4

5-3

Comment Summary:

The commenter asserts that the EIR does not include mitigation and "liability reduction actions" beyond measures that the commenter feels are easily achievable for the project site. The commenter feels that there are "infrastructure inadequacies" associated with pedestrian safety, traffic control, and parking.

Response:

This commenter does not specify how pedestrian safety, traffic control, and parking associated with the project present "infrastructure inadequacies" or how the mitigation measures identified in the EIR are deficient. The project has been designed in conformance with applicable local and State design requirements to ensure that adequate public safety and circulation are maintained. Refer to subsequent comments and responses below for additional discussion. Refer also to Master Response 1.

5-4

Comment Summary:

The commenter requests that existing residents in the areas surrounding the project site, as well as pedestrians and motorists, be considered by the City as part of its decision making process. The commenter suggests that the City deny the project, or alternatively, asks the City to include certain mitigation measures (identified later in the comment letter) to prevent degradation of services provided to and quality of life experienced by residents living in the project vicinity.

Response:

The commenter does not identify specific mitigation measures to be included as part of the proposed project; such recommended measures to manage future growth and to ensure the protection of continued public health and safety and provision of services are identified in subsequent comments provided.

Preface and Responses to Comments

1. PEDESTRIAN SAFETY: It seems only reasonable to anticipate that 149 new housing units targeted as “starter homes” will attract some families with elementary school age children. Planning for a safe walking path up Plato to connect with existing sidewalks leading to Capri Elementary School seems prudent, even if only to limit City liability. This is absent from the current plan.	5-5
1.1. Lennar’s current plan shows pedestrian pathways on the east side of Piraeus, and the north side of Plato, but only on the building site. While this is good, it is not sufficient to provide safe transit to Capri Elementary. A walking path should extend up Plato, from Piraeus to Caudor Street. Depending on which side of Plato the walkway is added, a crosswalk and possibly additional stop signs on Caudor St. at Plato may be necessary to complete the safe passageway. Leadership in planning this may help to avoid easily foreseeable bad outcomes, and associated city liability.	5-6
1.2. Note: In the CPP meeting, Lennar representatives suggested that they may be willing to “support” this walkway extension. In subsequent discussions with their representatives (Brian Grover and David Shepard), they elaborated that the primary impediment to a contiguous walkway is not the cost, it is resolving the associated property rights issues (i.e. is there room on the north side of the existing right of way on Plato, or can a walkway be built on private property). A walkway on the south side of Plato would require additional earth moving and probably retaining walls, and was not considered viable by Lennar, or at least not within the scope of what they were volunteering to “support”. Anecdotally, one of the potentially impacted homeowners has suggested that they may be willing to sacrifice some trees and their fence to this “greater good”. While none of this is legally binding, it suggests that a solution is possible.	5-7
1.3. DIR Chapter 3.0 Section 3.12 addresses Transportation, and in particular page 12 mentions the “Pedestrian Travel and Safe Routes to School Plan. The first full paragraph concludes <i>“The (Piraeus Point) project does not propose improvements or developments that would hinder implementation of the Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan; would not remove bicycle lanes or sidewalks; and would not result in unsafe conditions in the vicinity of Capri Elementary School.”</i> The project can reasonably be expected to dramatically increase child pedestrian and vehicular traffic up and down Plato between Piraeus and Caudor Street. This is a steep narrow curving high traffic stretch where no walkways are present. So although the project may not be creating a new risk, it will increase the severity and frequency of risk.	5-8
1.4. In any case, I believe that some mitigation for this potential safety issue would lead to a better project, a more livable neighborhood, and reduce a foreseeable risk and the associated liability that might flow from it.	5-9
2. TRAFFIC: Regardless of study methodology, and which traffic model is used (i.e., the assumed number of car trips per day and where they will go), there will certainly be a significant increase in demand on local roadway infrastructure given the large number of units being added. This is consistent with the EIR findings, however I believe that the EIR conclusion that no further mitigation is possible or feasible is incorrect, even within the limited scope that only considers this project’s impacts.	5-10
On the current revision of their plans for Piraeus Point, Lennar has already added an emergency only ingress / egress gate to the driveway that exits on Plato, thus discouraging traffic flow into the already congested neighborhood. This is a good first step. But there are more mitigations which deserve consideration, here are a few:	5-11
There are three primary traffic bottlenecks that most residents are aware of, and that this new development will exacerbate. All can be partially mitigated.	5-12

5-5

Comment Summary:

The commenter indicates that the City should provide safe walking paths from the project site along Plato Place to provide connection with the existing sidewalk system leading to Capri Elementary School. The commenter notes that the provision of such sidewalks are currently not proposed as part of the development.

Response:

Please refer to Master Response 1.

5-6

Comment Summary:

The commenter states that the current proposed project, which would include construction of sidewalks along portions of Piraeus Street and Plato Place, are not adequate for providing safe pedestrian travel to Capri Elementary School. The commenter proposes that a sidewalk along Plato Place extend to Caudor Street and that other pedestrian improvements, such as a crosswalk and/or additional stop signs, be provided along Caudor Street/Plato Place.

Response:

Please refer to Master Response 1.

5-7

Comment Summary:

The commenter notes that the project applicant had previously expressed support for a sidewalk extension along Plato Place; however, as noted by the commenter, certain property rights issues and/or additional earthwork requirements were determined to impede the construction of such an extension. The commenter also notes that a resident of the area had apparently expressed support for removing trees along their property line to allow for a sidewalk extension along the south side of Plato Place.

1. PEDESTRIAN SAFETY: It seems only reasonable to anticipate that 149 new housing units targeted as “starter homes” will attract some families with elementary school age children. Planning for a safe walking path up Plato to connect with existing sidewalks leading to Capri Elementary School seems prudent, even if only to limit City liability. This is absent from the current plan. 5-5
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The project can reasonably be expected to dramatically increase child pedestrian and vehicular traffic up and down Plato between Piraeus and Caudor Street. This is a steep narrow curving high traffic stretch where no walkways are present. So although the project may not be creating a new risk, it will increase the severity and frequency of risk.
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There are three primary traffic bottlenecks that most residents are aware of, and that this new development will exacerbate. All can be partially mitigated. 5-12

Response:

Please refer to Master Response 1. The City will continue to consider the potential for offsite infrastructure improvements to ensure continued pedestrian and bicyclist safety in the project vicinity, and safe access and circulation for school-aged children traveling to/from Capri Elementary School.

5-8

Comment Summary:

The commenter references EIR Section 3.12, Transportation, particularly the conclusion that the project would not hinder implementation of the Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan. The commenter notes that an increase in child pedestrian and vehicular-related traffic would occur along Plato Place and Caudor Street that would result in more severe and frequent safety risks.

Response:

Please refer to Master Response 1.

5-9

Comment Summary:

The commenter asserts that the existing surrounding neighborhood would be more livable, and liability would be reduced, if mitigation addressing the previously mentioned safety concerns is implemented.

Response:

Please refer to Master Response 1 and Responses 5-5 to 5-8, above.

5-10

Comment Summary:

The commenter suggests that the project would substantially increase demand on local roadway infrastructure due to the number of vehicle trips generated. The commenter asserts that the conclusions identified in the EIR indicating that no further mitigation is available or feasible to reduce transportation impacts are incorrect, even with consideration of impacts limited to just the proposed project.

Preface and Responses to Comments

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There are three primary traffic bottlenecks that most residents are aware of, and that this new development will exacerbate. All can be partially mitigated.	5-12

Response:

Refer also to Master Response 1. Potential project effects on the local transportation system are analyzed in EIR Section 3.12, Transportation. As described, the proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles. The regional average VMT/capita is 18.9 miles and the significance threshold is set at 85 percent of 18.9 miles, or 16.1 miles. The project’s VMT/capita would exceed the significance threshold by 7.6 miles. As such, the project would implement a Transportation Demand Management (TDM) program to reduce automobile trips, both internal and external to the community, which would include implementing an electric bike share program (short-term rentals) and provision of information on available alternative modes of transportation in the area to new residents. Although the project proposes sidewalks along Piraeus Street and Plato Place; includes project design measures to enhance sustainability; would provide for a variety of housing types including very low-income affordable housing; and is consistent with City’s General Plan, Local Coastal Program, Climate Action Plan, and SANDAG’s The Regional Plan, impacts related to VMT/capita would not be reduced to 85 percent of the regional average, even after incorporation of TDM measures as a required condition of project approval. No additional quantifiable VMT-reducing measures that the project could feasibly implement were identified, and therefore, the project’s VMT-related impacts would remain significant and unavoidable.

5-11

Comment Summary:

The commenter notes that emergency-only access would be provided from the driveway on Plato Place. The commenter believes that this is a “good first step” in addressing traffic congestion in the neighborhood but feels that additional “mitigations” may be warranted.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. Refer to subsequent comments provided below which provide more specific “mitigations” as identified by the commenter.

2.1. Currently, Northbound traffic on Piraeus occasionally gets backed up or even “gridlocked” at the La Costa Ave. light, and this can only get worse if a significant portion of the traffic from Piraeus Point goes that way (as is indicated by the current Lennar traffic model). The backup is caused by two separate contributing factors that are closely related, and both can be easily improved.

5-12
cont'd

2.1.1. The left turn lane to go from northbound Piraeus to westbound La Costa Ave can only accommodate about 4 cars. Once there are 4 or 5 cars waiting at this long light, both right turn traffic and left turn traffic back up. (The right turners have to get around the left turners who block the single northbound lane on Piraeus). In some cases drivers use the dirt shoulder on the east side of Piraeus to get into the right turn lane (so that they can proceed east on La Costa Ave.)
This backup can be reduced in severity by slightly increasing the width of the blacktop on Piraeus for approximately 150 feet along the approach to La Costa Ave, enabling the left turn lane (and right turn lane) to be lengthened correspondingly. See attached conceptual drawings. This turn lane extension would reduce the backup at the light by allowing more right turn vehicles to get out of the queue. (Please see Appendix 2)

5-13

2.1.2. A second contributing factor is the limited amount of space available for the cars that are able to make the left turn from Piraeus onto La Costa Ave (westbound) before they are stopped at the “Park and Ride” stoplight on La Costa Ave. This occurs primarily when eastbound La Costa Ave traffic queues up to turn left into the park and ride, which unfortunately coincides with the AM and PM traffic peaks.

In this situation, approximately 4 cars can fit in the right lane of westbound La Costa Ave (to get onto the northbound I-5 onramp), before the left turners behind them get backed up into the Piraeus / La Costa intersection. As a result, sometimes drivers attempting to turn left from Piraeus northbound to the right lane of La Costa westbound have to wait for more than one (long) cycle of the light before they can make their turn, or they turn left into a different lane, and try to quickly move to the right when the Park and Ride light changes. This both exacerbates the problem listed above and increases the risk to cyclists in the westbound bike lane on La Costa Ave. (The bike lane on westbound La Costa Ave crosses the automobile right turn lane to get onto northbound I-5; in the same stretch where cars are trying to move right in the above scenario.)

5-14

An improvement may be as simple as adjusting the timing of the westbound La Costa Ave light at the Park and Ride so that it stays green longer while the Piraeus northbound traffic is turning left. This should approximately double the number of cars that could turn left from Piraeus to La Costa Ave in a single cycle of the light (before they are stopped by the light at the northbound I-5 onramp). Optimizing the light timing at the onramp to coincide with the other two lights might eliminate this particular backup on La Costa Ave.

2.2. Another bottleneck exists at the corner of southbound Urania and Leucadia Blvd. Since Piraeus southbound no longer goes through to Leucadia Blvd, southbound Piraeus traffic is diverted up Normandy (or other small parallel residential streets), then to Urania southbound. From southbound Urania, drivers seeking to get to the I-5 freeway must make a right turn onto Leucadia westbound, and those that are southbound must quickly get into the left lane. At peak times they often can't do so, at least not without waiting for more than one cycle of the light. (This is due to the backup of cars on Westbound Leucadia Blvd attempting to go south on I-5.) As in the case above, the turn lanes on Urania are very short, so all the traffic queues up.

5-15

2.2.1. Urania is already developed along this stretch, so road changes (analogous to the one suggested in 2.1.1 above) are probably impractical. However, it may be worthwhile to:

2.2.1.1. Restrict parking in the right turn lane of southbound Urania to westbound Leucadia Blvd. to non-peak hours. Currently parking is unrestricted, and a single parked car or truck can block the entire

5-12

Comment Summary:

The commenter states that there are “three primary bottlenecks” that the project as proposed would exacerbate, but that all “can be partially mitigated.” The commenter indicates that, under existing conditions, traffic congestion occurs at the Piraeus Street/La Costa Avenue intersection from traffic traveling northbound along Piraeus Street.

Response:

Please refer to Master Response 1. Based on the analysis provided in the LTA prepared for the project by Intersecting Metrics (2022), the project would not have a substantial effect on the operation of any roadways or intersections within the study area identified under the Existing with Project, Near-Term with Project, and Future Year 2035 with Project scenarios. Therefore, no roadway or intersection improvements are needed with project implementation to alleviate the project’s contribution of vehicular traffic on the local circulation system.

5-13

Comment Summary:

The commenter provides an explanation as to why congestion at the Piraeus Street/La Costa Avenue intersection occurs and suggests increasing the width of Piraeus Street and lengthening the turn lanes along the street as a method that may reduce the potential for queueing to occur at the stoplight.

Response:

Refer to Master Response 1 and Response 5-12, above.

5-14

Comment Summary:

The commenter provides explanation that congestion at the Piraeus Street/La Costa Avenue intersection may also occur due to the lack of roadway to accommodate vehicles making a left turn onto La Costa Avenue from Piraeus Street. The commenter suggests that timing of the westbound stoplight at the Park and Ride facility along La Costa Avenue

2.1. Currently, Northbound traffic on Piraeus occasionally gets backed up or even “gridlocked” at the La Costa Ave. light, and this can only get worse if a significant portion of the traffic from Piraeus Point goes that way (as is indicated by the current Lennar traffic model). The backup is caused by two separate contributing factors that are closely related, and both can be easily improved.

5-12
cont'd

2.1.1. The left turn lane to go from northbound Piraeus to westbound La Costa Ave can only accommodate about 4 cars. Once there are 4 or 5 cars waiting at this long light, both right turn traffic and left turn traffic back up. (The right turners have to get around the left turners who block the single northbound lane on Piraeus). In some cases drivers use the dirt shoulder on the east side of Piraeus to get into the right turn lane (so that they can proceed east on La Costa Ave.)
This backup can be reduced in severity by slightly increasing the width of the blacktop on Piraeus for approximately 150 feet along the approach to La Costa Ave, enabling the left turn lane (and right turn lane) to be lengthened correspondingly. See attached conceptual drawings. This turn lane extension would reduce the backup at the light by allowing more right turn vehicles to get out of the queue. (Please see Appendix 2)

5-13

2.1.2. A second contributing factor is the limited amount of space available for the cars that are able to make the left turn from Piraeus onto La Costa Ave (westbound) before they are stopped at the “Park and Ride” stoplight on La Costa Ave. This occurs primarily when eastbound La Costa Ave traffic queues up to turn left into the park and ride, which unfortunately coincides with the AM and PM traffic peaks.

In this situation, approximately 4 cars can fit in the right lane of westbound La Costa Ave (to get onto the northbound I-5 onramp), before the left turners behind them get backed up into the Piraeus / La Costa intersection. As a result, sometimes drivers attempting to turn left from Piraeus northbound to the right lane of La Costa westbound have to wait for more than one (long) cycle of the light before they can make their turn, or they turn left into a different lane, and try to quickly move to the right when the Park and Ride light changes. This both exacerbates the problem listed above and increases the risk to cyclists in the westbound bike lane on La Costa Ave. (The bike lane on westbound La Costa Ave crosses the automobile right turn lane to get onto northbound I-5; in the same stretch where cars are trying to move right in the above scenario.)

5-14

An improvement may be as simple as adjusting the timing of the westbound La Costa Ave light at the Park and Ride so that it stays green longer while the Piraeus northbound traffic is turning left. This should approximately double the number of cars that could turn left from Piraeus to La Costa Ave in a single cycle of the light (before they are stopped by the light at the northbound I-5 onramp). Optimizing the light timing at the onramp to coincide with the other two lights might eliminate this particular backup on La Costa Ave.

2.2. Another bottleneck exists at the corner of southbound Urania and Leucadia Blvd. Since Piraeus southbound no longer goes through to Leucadia Blvd, southbound Piraeus traffic is diverted up Normandy (or other small parallel residential streets), then to Urania southbound. From southbound Urania, drivers seeking to get to the I-5 freeway must make a right turn onto Leucadia westbound, and those that are southbound must quickly get into the left lane. At peak times they often can't do so, at least not without waiting for more than one cycle of the light. (This is due to the backup of cars on Westbound Leucadia Blvd attempting to go south on I-5.) As in the case above, the turn lanes on Urania are very short, so all the traffic queues up.

5-15

2.2.1. Urania is already developed along this stretch, so road changes (analogous to the one suggested in 2.1.1 above) are probably impractical. However, it may be worthwhile to:

2.2.1.1. Restrict parking in the right turn lane of southbound Urania to westbound Leucadia Blvd. to non-peak hours. Currently parking is unrestricted, and a single parked car or truck can block the entire

be adjusted to remain green for a longer period of time, thereby allowing more vehicles on northbound Piraeus Street to turn left.

Response:

Refer to Master Response 1 and Response 5-12, above.

5-15

Comment Summary:

The commenter explains that traffic congestion also occurs at the intersection of Urania Avenue and Leucadia Boulevard. The commenter suggests that parking be restricted to non-peak hours in the right turn lane of southbound Urania Avenue or that parking spaces be removed along the western side southbound Urania Street. The commenter also recommends investigating if traffic light timing can be adjusted to improve traffic congestion that occurs along Leucadia Boulevard towards I-5.

Response:

Please refer to Master Response 1 and Response 5-12, above.

right turn lane. Alternatively, eliminate a couple of parking spaces on the west side of southbound Urania proximate to Leucadia Blvd, and restripe the street to allow for both straight through traffic, and a proper right turn lane.

2.2.1.2. Study the signal timing to see if better flow can be achieved to relieve the backup of westbound traffic on Leucadia Blvd. at the lights approaching I-5.

2.3. During student pick-up and drop-off times, traffic backs up in all directions around Capri Elementary School. In particular, (as relates to Piraeus Point) the backup extends north down Caudor street, toward Plato, so that southbound traffic through the neighborhood gets gridlocked. This bottleneck is related to a long history of development decisions which restrict traffic flow around the school (e.g. blocking off Burgundy St. in the 1700 block north of Capri Elementary School and blocking off the connection between Burgundy and Urania to the south, also Blocking off Rainbow Ridge Ln at the south end of Capri Elementary, and blocking off southbound Piraeus before Leucadia Blvd. More recently, the negative impacts of these decisions were compounded by a dramatic increase in the number of cars going to the school due to elimination of school busses. The cumulative effects of these impediments to mobility can only be further exacerbated by the high density of the proposed Piraeus Point development.

2.3.1. One obvious mitigation is to extend the walking path from Piraeus Point, up Plato (east) so that it connects with the existing walkway to Capri Elementary (as detailed in 1.1 above).

2.3.2. Further, I would urge the city to coordinate development planning with the school board. If an elementary school is built on the school board property on Quail Gardens Drive, south of Leucadia Blvd., it might reduce some of the school crowding and traffic issues associated with this and other proposed nearby developments (e.g. the Clark Street Project).

3. PARKING: The off-street parking within the project plan is substantially below what is historically required for development in Encinitas as stipulated in code 30.54.030 (absent Ordinance 2021-12 the R-30 overlay parking provision), a deficiency of 94 spaces (Ref Appendix 3). Presumably the 30.54.030 code is based on historically projected usage and therefore represents a somewhat reasonable expectation of actual needs – absent some other factor that would significantly diminish parking demand (such as proximity to public transit, stores, etc.). Unlike some other locations, there is no public transit near the Piraeus Point site, and there is no safe and legal on-street parking on the adjacent streets to act as “overflow parking” for homeowners and their guests. Therefore, the impact of insufficient parking within the development will most likely be spillover to on-street parking, wherever it can be found. Given the narrow width of nearby (non-conforming) residential streets, this is likely to create a hazard to pedestrians and motorists, and a degradation of mobility. Ignoring this “reasonably foreseeable” risk to public safety is ill-advised, especially when the deficiency has been repeatedly reported, and several mitigations are available.

Mitigations might include any or all of the following:

3.1. Obviously the project could be redesigned with fewer units which would reduce most of the negative impacts, and could allow more space for parking, and perhaps green space or public spaces for residents.

3.2. Normally, “undergrounding” the existing overhead utilities along the east side of the subject property would be a requirement pursuant to Encinitas Municipal Code Section 23.36.120. If this is done, then, with proper grading, several additional off-street parking spaces might be created along the eastern end of the driveways between the buildings. (i.e. Rather than needing the entire utility easement to be kept clear, SDG&E could gain unrestricted access to the “underground utility pull points” via the driveways within the project – that are

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5-16

Comment Summary:

The commenter explains the traffic congestion that occurs in the vicinity of Capri Elementary School during pick up and drop off times and feels that project implementation would worsen this issue. The commenter suggests creating a sidewalk extension along Plato Place to the elementary school and collaborating with the local school board to potentially build a new school on the board’s property located on Quail Gardens Drive.

Response:

Please refer to Master Responses 1, 2, and 3. The conditions described are experienced at present, and the proposed project is not anticipated to generate a large number of new elementary school-aged children that would substantially exacerbate existing conditions.

The City is aware of the absence of existing sidewalk facilities in the area that the project could connect to. The project proposes construction of sidewalks along its frontage on Piraeus Street and Plato Place to enhance the existing pedestrian circulation system and to allow future sidewalk improvements in the area to connect to those constructed with the project. No roadway or intersection improvements are required or proposed with the project to reduce congestion and queueing during peak drop-off and pick-up times at Capri Elementary, as this is not an environmental issue that requires consideration under CEQA. Refer also to EIR Section 3.12, Transportation.

5-17

Comment Summary:

The commenter asserts that the project would provide 94 fewer parking spaces than what is historically required by City Municipal Code 30.54.030. The commenter also expresses concern over the lack of transit facilities near the project site and the lack of safe and legal street parking that could otherwise accommodate residents of the project site and their guests. The commenter feels that the project does not provide enough parking spaces which would result in residents and guests parking on local streets and associated public safety and mobility concerns.

right turn lane. Alternatively, eliminate a couple of parking spaces on the west side of southbound Urania proximate to Leucadia Blvd, and restripe the street to allow for both straight through traffic, and a proper right turn lane.

2.2.1.2. Study the signal timing to see if better flow can be achieved to relieve the backup of westbound traffic on Leucadia Blvd. at the lights approaching I-5.

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2.3. During student pick-up and drop-off times, traffic backs up in all directions around Capri Elementary School. In particular, (as relates to Piraeus Point) the backup extends north down Caudor street, toward Plato, so that southbound traffic through the neighborhood gets gridlocked. This bottleneck is related to a long history of development decisions which restrict traffic flow around the school (e.g. blocking off Burgundy St. in the 1700 block north of Capri Elementary School and blocking off the connection between Burgundy and Urania to the south, also Blocking off Rainbow Ridge Ln at the south end of Capri Elementary, and blocking off southbound Piraeus before Leucadia Blvd. More recently, the negative impacts of these decisions were compounded by a dramatic increase in the number of cars going to the school due to elimination of school busses. The cumulative effects of these impediments to mobility can only be further exacerbated by the high density of the proposed Piraeus Point development.

5-16

2.3.1. One obvious mitigation is to extend the walking path from Piraeus Point, up. Plato (east) so that it connects with the existing walkway to Capri Elementary (as detailed in 1.1 above).

2.3.2. Further, I would urge the city to coordinate development planning with the school board. If an elementary school is built on the school board property on Quail Gardens Drive, south of Leucadia Blvd., it might reduce some of the school crowding and traffic issues associated with this and other proposed nearby developments (e.g. the Clark Street Project).

3. PARKING: The off-street parking within the project plan is substantially below what is historically required for development in Encinitas as stipulated in code 30.54.030 (absent Ordinance 2021-12 the R-30 overlay parking provision), a deficiency of 94 spaces (Ref Appendix 3). Presumably the 30.54.030 code is based on historically projected usage and therefore represents a somewhat reasonable expectation of actual needs – absent some other factor that would significantly diminish parking demand (such as proximity to public transit, stores, etc.). Unlike some other locations, there is no public transit near the Piraeus Point site, and there is no safe and legal on-street parking on the adjacent streets to act as “overflow parking” for homeowners and their guests. Therefore, the impact of insufficient parking within the development will most likely be spillover to on-street parking, wherever it can be found. Given the narrow width of nearby (non-conforming) residential streets, this is likely to create a hazard to pedestrians and motorists, and a degradation of mobility. Ignoring this “reasonably foreseeable” risk to public safety is ill-advised, especially when the deficiency has been repeatedly reported, and several mitigations are available.

5-17

Mitigations might include any or all of the following:

3.1. Obviously the project could be redesigned with fewer units which would reduce most of the negative impacts, and could allow more space for parking, and perhaps green space or public spaces for residents.

3.2. Normally, “undergrounding” the existing overhead utilities along the east side of the subject property would be a requirement pursuant to Encinitas Municipal Code Section 23.36.120. If this is done, then, with proper grading, several additional off-street parking spaces might be created along the eastern end of the driveways between the buildings. (i.e. Rather than needing the entire utility easement to be kept clear, SDG&E could gain unrestricted access to the “underground utility pull points” via the driveways within the project – that are

5-18

Response:

Please refer to Master Response 1.

5-18

Comment Summary:

The commenter provides suggestions to address insufficient onsite parking provided by the project. These suggestions include reducing the number of units developed; undergrounding existing overhead utilities and creating additional street parking with the additional space, which may also reduce fire risks and “possibly improve some views;” and altering the existing right of way along Piraeus Street to provide for street parking. The commenter feels that the City could make approval of the proposed right-of-way vacation dependent on the applicant providing more on- or offsite parking.

Response:

Please refer to Master Response 1.

already designated as “keep clear” fire lanes.). Presumably undergrounding would also reduce fire risk (this site is currently deemed “high risk”), and possibly improve some views.

Lennar has requested an exception (concession or waiver) to the undergrounding requirement (ref. EIR Chap 3.0, section 3.1 Aesthetics, 3.1.49). If this incentive is granted, it reduces the feasibility of using part of the utility easement for parking.

- 3.3. The Piraeus St. right-of-way, at the west side of the property, could be re-imagined, to allow some on-street parking. Although this on street parking is definitely not a preferred solution to inadequate parking within the development, it is probably preferable (i.e. less impactful on mobility and safety) to on-street parking on any of the narrow (non-conforming) nearby neighborhood streets. Perhaps the City’s granting of almost an acre of Right-of-Way Vacation to the developer, which is already included as part of this plan, could be contingent upon additional on or off-street parking. This cost shifting is almost certainly not what Lennar would wish for, but it appropriately delegates the cost of some improvements made necessary by the proposed development.

4. Regarding the EIR Transportation Study - VMT and GHG Reduction, parts of this make little sense to me:

- 4.1. In EIR chapter 9.0 Appendix K, Table 3.2, Item T-18, the study states that: “Provid(ing) Pedestrian Network Improvement” in the form of sidewalk coverage, encourages a “mode shift” resulting in a “reduction in VMT and GHG emissions” of “0.0% to 6.4%”, and classifies this as “Feasible”.

For anything greater than a 0.0% reduction to be achieved, wouldn’t the sidewalks have to connect points where people wish to travel?

The current plan calls for “sidewalks to nowhere”. To achieve VMT and GHG emission reductions, implement 1.1 above. Consider extending the Piraeus sidewalk north to La Costa Ave as well, and/or south to Orpheus Park or Leucadia Blvd.

- 4.2. The Transportation Impact Study (EIR Chapter 9.0, Appendix K, Table 3.2, item T-4) claims that “Integrat(ion of) Affordable and Below Market Rate Housing”, in the form of deed restricted units, provides a “Potential Reduction” of “0.0%-28.6%” in “Project VMT”.

Since only 10% of the units are “inclusionary”, wouldn’t a modest 10% VMT reduction require all occupants of the inclusionary units to have VMT = 0, or is this VMT reduction range simply a consequence of higher residential density? If the latter, wasn’t it already accounted for in item T-1 (same EIR table)?

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Comment Summary:

The commenter questions information provided in Table 3.2 of EIR Appendix K (Transportation Impact Study). The commenter states that Item T-18, Providing Pedestrian Network Improvement, is identified as “Feasible” and would result in a VMT reduction of 0.0 to 6.4 percent. The commenter expresses that in order to achieve such a reduction, sidewalks would need to connect to existing facilities, which would not be the case for the sidewalks constructed as part of the proposed project. The commenter suggests that the proposed sidewalk along Plato Place be extended to Caudor Street and the proposed sidewalk along Piraeus Street be extended to La Costa Avenue and/or to Orpheus Park or Leucadia Park.

Response:

The commenter incorrectly quotes the Transportation Impact Study (Appendix K of the EIR), which states that Measure T-18 (Provide Pedestrian Network Improvement) of Table 3-2 (VMT Impact Feasible Mitigation) would potentially reduce Community VMT by 0.0 to 6.4 percent, not VMT and GHG emissions by 0.0 to 6.4 percent, as the commenter states. The Transportation Impact Study identifies Measure T-18 as a feasible TMD measure because the project proposes construction of over 1,100 linear feet of new sidewalk facilities along Piraeus Street and Plato Place. As stated in Table 3.3 (TDM Reduction Calculation) of the Transportation Impact Study, the potential and assumed reduction for Item T-18 was determined to be 0 percent because no pedestrian facilities currently exist in the area. Therefore, no reduction in VMT was assumed from the project’s proposed construction of sidewalk facilities along Piraeus Street and Plato Place.

The City is aware of the absence of existing sidewalk facilities in the area that the project could connect to. The project proposes construction of sidewalks along its frontage on Piraeus Street and Plato Place to enhance the existing pedestrian circulation system and to allow for future sidewalk improvements in the area to connect to those constructed with the project.

already designated as “keep clear” fire lanes.). Presumably undergrounding would also reduce fire risk (this site is currently deemed “high risk”), and possibly improve some views.

Lennar has requested an exception (concession or waiver) to the undergrounding requirement (ref. EIR Chap 3.0, section 3.1 Aesthetics, 3.1.49). If this incentive is granted, it reduces the feasibility of using part of the utility easement for parking.

- 3.3. The Piraeus St. right-of-way, at the west side of the property, could be re-imagined, to allow some on-street parking. Although this on street parking is definitely not a preferred solution to inadequate parking within the development, it is probably preferable (i.e. less impactful on mobility and safety) to on-street parking on any of the narrow (non-conforming) nearby neighborhood streets. Perhaps the City’s granting of almost an acre of Right-of-Way Vacation to the developer, which is already included as part of this plan, could be contingent upon additional on or off-street parking. This cost shifting is almost certainly not what Lennar would wish for, but it appropriately delegates the cost of some improvements made necessary by the proposed development.

4. Regarding the EIR Transportation Study - VMT and GHG Reduction, parts of this make little sense to me:

- 4.1. In EIR chapter 9.0 Appendix K, Table 3.2, Item T-18, the study states that: “Provid(ing) Pedestrian Network Improvement” in the form of sidewalk coverage, encourages a “mode shift” resulting in a “reduction in VMT and GHG emissions” of “0.0% to 6.4%”, and classifies this as “Feasible”.

For anything greater than a 0.0% reduction to be achieved, wouldn’t the sidewalks have to connect points where people wish to travel?

The current plan calls for “sidewalks to nowhere”. To achieve VMT and GHG emission reductions, implement 1.1 above. Consider extending the Piraeus sidewalk north to La Costa Ave as well, and/or south to Orpheus Park or Leucadia Blvd.

- 4.2. The Transportation Impact Study (EIR Chapter 9.0, Appendix K, Table 3.2, item T-4) claims that “Integrat(ion of) Affordable and Below Market Rate Housing”, in the form of deed restricted units, provides a “Potential Reduction” of “0.0%-28.6%” in “Project VMT”.

Since only 10% of the units are “inclusionary”, wouldn’t a modest 10% VMT reduction require all occupants of the inclusionary units to have VMT = 0, or is this VMT reduction range simply a consequence of higher residential density? If the latter, wasn’t it already accounted for in item T-1 (same EIR table)?

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Comment Summary:

The commenter references the Transportation Impact Study prepared for the EIR (Appendix K of the EIR) and notes how Table 3.2, Item T-4 notes that integrating affordable and flow market rate housing has the potential to reduce project VMT by 0.0 to 28.6 percent. The commenter questions whether a 10 percent reduction is more appropriate, since 10 percent of the total proposed units would be inclusionary units, and whether this means that residents of the inclusionary units would need to have a VMT of 0.

Response:

Table 3.2 of the Transportation Impact Study prepared by Intersecting Metrics (2022; EIR Appendix K) reviews each of the individual TDM measures included in the CAPCOA GHG Handbook and identifies whether the TDM measure would be applicable to the proposed project. As shown, TDM T-1, Increase Residential Density, and TDM T-4, Integrate Affordable and Below market Rate Housing, are two individual measures that allow for reductions in VMT to be taken.

Section 3.3, TDM Program Effectives, provides a discussion of how the VMT related reductions associated with each of the measures identified were calculated. As shown in Section 3.3 of the TIS, as the exact amount of additional reduction cannot be accurately calculated, to be conservative, no density reduction was assumed for TDM T-1 for the purposes of the CEQA analysis. As the proposed project would include 15 “very low” income affordable dwelling units, or approximately 10 percent of the total number of units, a 2.86 percent reduction in VMT for the project site was calculated for TDM T-4 using the methodologies provided within CAPCOA’s GHG Handbook (Affordable Project Units or 15 units) X -28.6 = 2.86 percent VMT Reduction). Therefore, the VMT reduction taken was 2.86 percent, not 10 percent (or higher) based on the number of affordable income units provided. The reduction taken is not dependent upon, nor does it require or assume that, residents of the inclusionary units would need to have a VMT of 0, as suggested by the commenter.

Appendix 1 – Some sections of the “Land Use Element” and “Circulation Element” which contraindicate this project.

Land Use Element:

<https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20May%202018/Appdx%20E%20Relevant%20GP%20Policies.pdf>

2 . 1. 2. Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

2 . 1. 3. Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

2 . 1. 4. Preserve our community' s zoning and property rights in perpetuity, if we so choose.
This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection of the community' s shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

**Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services. (Coastal Act/30250)*

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252)

Circulation Element-5

Policy 2.4: “When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.”

5-21

5-21

Comment Summary:

The commenter provides an “Appendix 1” to their comment letter which includes a list of policies and objectives from the City’s General Plan Land Use Element and Circulation Element.

Response:

The information provided does not identify specific concerns relevant to the proposed project or how the project is inconsistent with the policies and objectives provided. The information provided does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

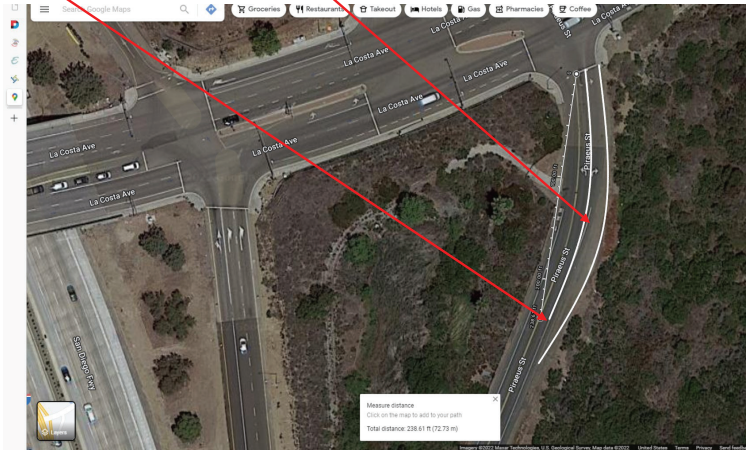
Preface and Responses to Comments

Appendix 2- Possible TRAFFIC MITIGATION: Piraeus northbound at La Costa Ave.

Google Maps view of Piraeus St intersection with La Costa Ave. Overlaid measuring scale shows the EXISTING approximately 100-foot-long turn lanes on Piraeus, which cause a backup queue once 4 or 5 cars are in the left turn lane.



Google Maps view of Piraeus St intersection with La Costa Ave. Overlaid measuring scale and white lines shows SUGGESTED FUTURE paving of the shoulder to allow extension of the turn lanes to approximately 250 feet in length to reduce the queue that forms at peak traffic times.



5-22

5-22

Comment Summary:

The commenter provides an “Appendix 2” to their comment letter which includes figures illustrating the commenter’s suggested roadway improvements (paving of shoulder, extension of turn lanes) at the intersection of Piraeus Street and La Costa Avenue.

Response:

The commenter’s suggestions for roadway improvements at the identified intersection are noted for the record. Such improvements are not identified by the City as being required to alleviate any project impacts. The potential for intersection queueing to occur is not an environmental issue subject to evaluation per CEQA requirements. All proposed improvements for access and circulation would occur in conformance with applicable engineering design requirements to ensure that public safety and adequate vehicular circulation are maintained with project implementation.

Appendix 3 - Piraeus Point Parking Calculations, Deficiency & Key Take-Aways:

Parking Requirement Calculations for Piraeus Point: Case No: MULTI-005158-2022

	1Br	2Br	3Br	Guest	TOTAL UNITS	Resident Spaces	Guest Spaces	TOTAL SPACES REQUIRED
Number of Units	52	37	60	----	149			
Required Parking Spaces per unit per Encinitas CA Municipal Code Chap 30.54.030	2	2	2.5	0.25		328	37.25	365.25

Applying Ordinance 2021-12 to all the units (market rate and inclusionary) yields the following minimum requirements:

	1	1.5	1.5	0		197.5	0	197.5
Required Parking Spaces per unit per Ordinance 2021-12 (for "Inclusionary Housing Units").	1	1.5	1.5	0		197.5	0	197.5
Lennar Homes current plan for Piraeus Point (as Jan 2023)	1	2	2	----		246	25	271

- 1) Encinitas Code 30.54.030 was developed to assure that sufficient parking is provided for residents and guests in new developments. It would require a minimum of 365+ off-street parking spaces to be included in the Piraeus Point plans, 328 resident spaces and 37.25 guest spaces.
- 2) Encinitas Ordinance 2021-12 incentivizes developers to provide "inclusionary" (i.e. low cost or very low cost" units) by reducing the required off-street parking in a development if inclusionary units are part of a project. For Piraeus Point, by providing 15 "inclusionary" units the total number of spaces required is 198, a reduction of 167 spaces.
- 3) Lennar Homes is planning for 271 parking spaces in this project, which exceeds the 198 required under the (density bonus) Ordinance 2021-12, but is still 94 short of the projected needs of residents and guests.
- 4) At this site, there is no public transit in the vicinity, so the assumption that residents and guests won't require the "usual" number of parking spaces has no rational basis.
- 5) At this site, there is no safe and legal on-street parking available nearby. Where will the projected overflow of 94 vehicles go?

At this site, the foreseeable and predictable consequence of planning insufficient parking constitutes a threat to public safety and mobility.

References:

- 1) https://library.gcode.us/lib/encinitas_ca/pub/municipal_code/item/title_30-chapter_30_54-30_54_030
- 2) https://content.gcode.us/lib/encinitas_ca/alerts/documents/ordinance_2021_12.pdf
- 3) <https://ceganet.opr.ca.gov/2022050516>
- 4) California State Density Bonus Law, Government Code 65915
<https://www.novato.org/home/showpublisheddocument/31315/637322464237470000>

5-23

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5-23

Comment Summary:

The commenter provides an "Appendix 3" to their comment letter, which calculates parking requirements for the project per Municipal Code Chapter 30.54.030 and City Ordinance 2021-12. The commenter notes that per Municipal Code Chapter 30.54.030, the project would be required to provide a minimum of 365 parking spaces. The commenter also notes that per Ordinance 2021-12, which is intended to incentivize the development of inclusionary housing by reducing onsite parking requirements, the project would be required to provide approximately 198 spaces (167 spaces less than required by Municipal Code Chapter 30.54.030). The commenter implies that Municipal Code Chapter 30.54.030 requirements reflect a more accurate calculation of the onsite parking spaces needed for residents and guests. The commenter also questions whether the proposed number of parking spaces is adequate, considering the lack of public transit in the area, and where additional vehicles would park, given that the project as proposed does not provide adequate parking when considering the projected needs of residents.

Response:

Please refer to Master Response 1. Parking is not an environmental issue of concern relevant to CEQA. The project as proposed is consistent with applicable parking requirements and subject to the City's discretionary review process to ensure conformance with applicable regulations pertaining to the provision of parking for future project residents and their guests.

5-24

Comment Summary:

The commenter asserts that insufficient parking resulting with the project as proposed would compromise public safety and mobility.

Response:

Please refer to Master Response 1.

Preface and Responses to Comments

Appendix 3 - Piraeus Point Parking Calculations, Deficiency & Key Take-Aways:

Parking Requirement Calculations for Piraeus Point: Case No: MULTI-005158-2022

	1Br	2Br	3Br	Guest	TOTAL UNITS	Resident Spaces	Guest Spaces	TOTAL SPACES REQUIRED
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Required Parking Spaces per unit per Encinitas CA Municipal Code Chap 30.54.030	2	2	2.5	0.25		328	37.25	365.25

Applying Ordinance 2021-12 to all the units (market rate and inclusionary)
yields the following minimum requirements:

	1	1.5	1.5	0		197.5	0	197.5
Required Parking Spaces per unit per Ordinance 2021-12 (for "Inclusionary Housing Units").	1	1.5	1.5	0		197.5	0	197.5
Lennar Homes current plan for Piraeus Point (as Jan 2023)	1	2	2	----		246	25	271

- 1) Encinitas Code 30.54.030 was developed to assure that sufficient parking is provided for residents and guests in new developments. It would require a minimum of 365+ off-street parking spaces to be included in the Piraeus Point plans, 328 resident spaces and 37.25 guest spaces.
- 2) Encinitas Ordinance 2021-12 incentivizes developers to provide "inclusionary" (i.e. low cost or very low cost" units) by reducing the required off-street parking in a development if inclusionary units are part of a project. For Piraeus Point, by providing 15 "inclusionary" units the total number of spaces required is 198, a reduction of 167 spaces.
- 3) Lennar Homes is planning for 271 parking spaces in this project, which exceeds the 198 required under the (density bonus) Ordinance 2021-12 , but is still 94 short of the projected needs of residents and guests.
- 4) At this site, there is no public transit in the vicinity, so the assumption that residents and guests won't require the "usual" number of parking spaces has no rational basis.
- 5) At this site, there is no safe and legal on-street parking available nearby. Where will the projected overflow of 94 vehicles go?

At this site, the foreseeable and predictable consequence of planning insufficient parking constitutes a threat to public safety and mobility.

References:

- 1) https://library.qcode.us/lib/encinitas_ca/pub/municipal_code/item/title_30-chapter_30_54-30_54_030
- 2) https://content.qcode.us/lib/encinitas_ca/alerts/documents/ordinance_2021_12.pdf
- 3) <https://ceganet.opr.ca.gov/2022050516>
- 4) California State Density Bonus Law, Government Code 65915
<https://www.novato.org/home/showpublisheddocument/31315/637322464237470000>

5-25

Comment Summary:

The commenter provides a list of references for their comment letter.

Response:

This comment is for informational purposes and does not raise an environmental concern pursuant to the provisions of CEQA. No further response is required.

5-23

5-24

5-25

From: Elizabeth Bishop <elizabeth.bishop@ymail.com>
Sent: Sunday, February 5, 2023 5:19 PM
To: Nick Koutoufidis
Cc: Allison Blackwell; City Clerk
Subject: Written Comment Re: Project Name: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

The Piraeus Point Project, will have a negative impact on our neighborhood in many different areas. The traffic getting to the freeway and on the freeway will be a nightmare by the increased traffic. In a very short time cars will be backed up on Piraeus trying in to get on the freeway or onto La Costa Ave. The local schools will be impacted with overcrowded classrooms which have been shown, by many studies, that report issues such as: lower grades, students who are struggling fall behind, quality of learning decreases and greater tensions and conflicts erupt more frequently among students. Utilities and public service will also be over-loaded on a system that cannot handle more the way it is now functioning.

I hope you will listen to the very legitimate comments of the people who live here

Sincerely,
Elizabeth Bishop

6-1

6-2

6 Elizabeth Bishop

6-1

Comment Summary:

The commenter expresses concern regarding increased traffic congestion along Piraeus Street that would occur as a result of project-generated vehicles traveling to the highway, along the highway, and to La Costa Avenue. The commenter also asserts that local schools would be overcrowded due to project-generated students which would negatively impact students’ school experiences, and that utilities and public services would become overloaded.

Response:

Please refer to Master Responses 1, 2, and 3. Refer also to EIR Sections 3.11, Public Services and Recreation; 3.12, Transportation; and, 3.14, Utilities and Service Systems.

6-2

Comment Summary:

The commenter requests that the City consider the concerns of residents of the surrounding area.

Response:

This comment does not raise a specific environmental issue of concern relevant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

2/3/23

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

There are several issues I have with the proposed development. They are planning to build 149 units however only 271 parking spaces. This is unacceptable, they will not be able to park all the cars in the parking area and will spill out into the street. There is no parking available on Piraeus. This means they will flood the neighborhood with cars in front of neighboring homes. This development is not optimal for this neighborhood. This has not been fully addressed, as everyone has more than one vehicle, sometimes multiple. The statement that the impact seems to favor the project yet is no one is addressing how they can help the traffic issue or the safety fire issue with too many cars trying to get out on a street that is not equipped to handle the traffic. So many vehicles all of a sudden on the street will make even driving to work in the morning a longer commute, waiting for others going to work. I expect the need to leave 15 minutes earlier, huge impact, dangerous!

SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED AS A RESULT OF THE PROJECT: The Draft EIR concludes that the project would not result in significant environmental impacts with the incorporation of mitigation measures for air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire. Based on the EIR analysis, transportation impacts related to vehicle-miles-traveled cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable.

There is also the concern that people, including children will be walking up Plato to school with no sidewalk and that is already a narrow street. This has not been addressed.

Currently there is no street lighting on either Piraeus St. or Plato, this is not addressed in anything that we have seen up to this point?

If there were to be a fire and evacuation the number of vehicles that would instantly try to exit onto Piraeus St. would make getting out of the neighborhood very challenging. There is nothing addressing the safety issue.

Sincerely, Charlene Buckalew

1720 Barbara Lane
Encinitas, 92024

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7 Charlene Buckalew

7-1

Comment Summary:

The commenter asserts that the number of parking spaces proposed for the project would not be sufficient, and that project residents would need to park along local roadways as a result. The commenter also expresses concern regarding traffic congestion and safety issues, including relative to emergency response (e.g., fire), due to the increase in cars on local roadways.

Response:

Please refer to Master Response 1 relative to traffic and parking. The project does not require or propose offsite roadway or intersection improvements due to the addition of project-generated traffic.

As discussed in EIR Section 3.7, Hazards and Hazardous Materials, activities associated with the project are not anticipated to impede the free movement of emergency response vehicles, as well as other vehicles, along local roadways. The project site is not identified as being located along an established evacuation route, and therefore, would not be anticipated to interfere with emergency response in this regard. As discussed in EIR Section 3.15, Wildfire, a Fire Protection Plan was prepared by FIREWISE 2000, Inc. (FIREWISE 2022; EIR Appendix O), and no significant impacts were identified relative to emergency evacuation. During project operations, existing offsite roadways would be adequate to serve the development for purposes of evacuation in the event of a wildfire or other emergency. The project would not interfere with the ability of the San Diego County Sheriff's Department, which serves the project site, to safely evacuate the area in the event of an emergency. The project is subject to approval by the City's Planning Division to ensure that public safety and adequate vehicular circulation can be maintained over the long term. Therefore, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan; impacts were determined to be less than significant.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

2/3/23

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

There are several issues I have with the proposed development. They are planning to build 149 units however only 271 parking spaces. This is unacceptable, they will not be able to park all the cars in the parking area and will spill out into the street. There is no parking available on Piraeus. This means they will flood the neighborhood with cars in front of neighboring homes. This development is not optimal for this neighborhood. This has not been fully addressed, as everyone has more than one vehicle, sometimes multiple. The statement that the impact seems to favor the project yet is no one is addressing how they can help the traffic issue or the safety fire issue with too many cars trying to get out on a street that is not equipped to handle the traffic. So many vehicles all of a sudden on the street will make even driving to work in the morning a longer commute, waiting for others going to work. I expect the need to leave 15 minutes earlier, huge impact, dangerous!

SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED AS A RESULT OF THE PROJECT: The Draft EIR concludes that the project would not result in significant environmental impacts with the incorporation of mitigation measures for air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire. Based on the EIR analysis, transportation impacts related to vehicle-miles-traveled cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable.

There is also the concern that people, including children will be walking up Plato to school with no sidewalk and that is already a narrow street. This has not been addressed.

Currently there is no street lighting on either Piraeus St. or Plato, this is not addressed in anything that we have seen up to this point?

If there were to be a fire and evacuation the number of vehicles that would instantly try to exit onto Piraeus St. would make getting out of the neighborhood very challenging. There is nothing addressing the safety issue.

Sincerely, Charlene Buckalew

1720 Barbara Lane
Encinitas, 92024

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7-2

Comment Summary:

The commenter summarizes conclusions of the EIR regarding impacts to air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire. The commenter also notes that transportation impacts (related to VMT) would be significant and unavoidable.

Response:

This comments provided simply restate significance findings as stated in the EIR. The comment does not raise a specific environmental issue nor do they address the adequacy of the EIR. No further response is required.

7-3

Comment Summary:

The commenter expresses concern that pedestrian travel in the vicinity of the project site, including children walking along Plato Place to school, and the lack of a sidewalk system has not been addressed.

Response:

Please refer to Master Response 1.

7-4

Comment Summary:

The commenter states that the lack of existing street lighting on Piraeus Street and Plato Place has not been addressed thus far.

Response:

The project proposes to install lighting at the project access driveways off of Piraeus Street and Plato Place to identify the project entrance and to provide safe ingress and egress. The installation of street lighting along Piraeus Street or Plato Place is not required or proposed as part of the required improvements. The lack of street lighting along these roadways is an existing condition and is not required to be remedied by the project applicant. All project lighting would be in conformance with the City's

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Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

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SIGNIFICANT ENVIRONMENTAL EFFECTS ANTICIPATED AS A RESULT OF THE PROJECT: The Draft EIR concludes that the project would not result in significant environmental impacts with the incorporation of mitigation measures for air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire. Based on the EIR analysis, transportation impacts related to vehicle-miles-traveled cannot be mitigated to less than significant levels. Therefore, transportation impacts are significant and unavoidable.

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Currently there is no street lighting on either Piraeus St. or Plato, this is not addressed in anything that we have seen up to this point?

If there were to be a fire and evacuation the number of vehicles that would instantly try to exit onto Piraeus St. would make getting out of the neighborhood very challenging. There is nothing addressing the safety issue.

Sincerely, Charlene Buckalew

1720 Barbara Lane
Encinitas, 92024

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7-5

requirements for nighttime lighting levels intended to maintain the City's dark skies and minimize potential light pollution and sky glow.

7-5

Comment Summary:

The commenter asserts that emergency evacuation during a fire event would be difficult due to the number of project-related vehicles exiting onto Piraeus Street, and feels that this issue of public safety has not been addressed.

Response:

Refer to Response 7-1, above.

From: Sheila
To: Nick Koutoufidis
Subject: RE: Piraeus Point - MULTI-005158-2022 Draft Environmental Impact Report - Public Review
Date: Thursday, December 8, 2022 3:07:09 PM
Attachments: image001.jpg

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Thank you, Nick, for the notice re the EIR.

I've been meaning to contact you about the lights that the City seems to be requiring on this Piraeus Point project! Leucadia is a Dark Skies Community – and our neighborhood is particularly aware of that – it is clearly stated in our General Plan.

Even though the proposed lights are to have a downward scope – there are way too many of them and I truly do not see the need for them whether they point downward or not! Also, frankly, it seems a total unnecessary expense for the developer – not that I'm pleading their cause but it will affect our neighborhood tremendously and I see no justification for it in either case.

Please consider eliminating these lights in the Piraeus Point!!

Sheila S. Cameron

Sent from [Mail](#) for Windows

From: Nick Koutoufidis
Sent: Thursday, December 8, 2022 2:56 PM
Subject: Piraeus Point - MULTI-005158-2022 Draft Environmental Impact Report - Public Review

Hi there,

Please see the attached Notice of Availability for the Piraeus Point Draft Environmental Impact Report.

PUBLIC REVIEW AND COMMENT PERIOD: A 60-day public review and comment period has been established from **December 9, 2022 to February 6, 2023**. All written comments on the Draft EIR should be clearly itemized and focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Written comments must be submitted by **5:00 p.m. on February 6, 2023** to: Nick Koutoufidis, Development Services Department, City of Encinitas, 505 S. Vulcan Avenue, Encinitas, CA 92024 or via email at nkoutoufidis@encinitasca.gov.

Best,



Nick Koutoufidis, MBA
Development Services Department
505 South Vulcan Ave, Encinitas, CA
P: 760.633.2692

8A Sheila S. Cameron

8A-1

Comment Summary:

The commenter references the lights that the City appears to be requiring for the proposed project and notes that the community of Leucadia is a dark skies community, as stated in the General Plan. The commenter states that there are too many lights proposed as part of the project and believes them to be unnecessary, even if the lights would be pointed downward. The commenter indicates that the proposed lighting would adversely impact the neighborhood “tremendously,” and that the proposed lighting seems to be an unnecessary expense for the applicant.

Response:

Refer also to Response 7-4, above. As indicated in EIR Section 3.1, Aesthetics, all project lighting would be consistent with the City's lighting standards, which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line; light poles at a maximum height of 18 feet in height; and low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties (including the proposed offsite preserve area adjacent to the north and existing residential uses to the east; refer to EIR Appendix B, Lighting Plan. Consistency with City requirements would ensure the minimization of potential impacts associated with the provision of lighting that may otherwise adversely affect nighttime views in the area.

8A-1

From: Sheila Cameron <sheilaleucadia@gmail.com>
Sent: Monday, February 6, 2023 3:25 PM
To: Nick Koutoufidis; Brian Grover; David Shepherd
Subject: Piraeus Point EIR

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Nick,

Below are my comments on the Piraeus Point EIR. I have chosen to focus on 3 specific areas of concern and comment on a 4th:

- (1) **Coastal California Gnatcatchers** – are a protected species. It appears that there may actually be 4 nesting pairs on this project site. The US Fish and Wildlife statement: "Entirety of the proposed project is within the USFWS designated critical habitat for the Federally listed Coastal California Gnatcatcher (USFUS 2007) Figure 3-I." Wow! At least 4 nesting pairs have been identified on this proposed project site and it is a serious consideration as to what to do!

Even with the donation of the land to the North of this project along Piraeus, I do not see how this will resolve losing these precious and rare Coastal Gnatcatchers along with the loss of their ecologically vital habitat...coastal sage scrub; chamise mission manzanita, and California Sagebrush.

I would like to know what the plan is to accommodate these 4 nesting pairs further north on the mitigated property? Instinct in birds does not seem to accommodate selling their homesite and moving into another condo.

- (2) **Lighting** – Leucadia is a designated Dark Skies Community according to the Encinitas General Plan! That is very clear. The lighting plan proposed for this Piraeus Point site violates that section of the Plan. Despite the premise and promise of downward pitched lighting, this plan is ridiculous and totally unnecessary. WHY are you putting in street lights at all? And so many? They will light up everyone's bedroom windows!

Even downward lights reflect upward on surfaces. Because of the proximity of the Batiquitos Lagoon - a protected resource unique to our area – the Dark Skies Policies were written into our General Plan. Lights in our cities also affect and interfere with

1

8B-1

8B-2

8B Sheila S. Cameron

8B-1

Comment Summary:

The commenter expresses concerns regarding impacts to four nesting pairs of coastal California gnatcatchers identified on the project site and impacts to the species' habitat. The commenter requests to know how the gnatcatchers that would be relocated from the project site to the offsite preserve area would be accommodated with project implementation.

Response:

As indicated in mitigation measure BIO-4 of EIR Section 3.3, Biological Resources, project-related impacts to two pairs (4 individuals) and their territories would be unavoidable; therefore the project applicant shall obtain US Fish and Wildlife Service approval pursuant to Section 10 of the federal Endangered Species Act for the impacts to the coastal California gnatcatcher prior to the issuance of any grading permits. The onsite preservation of sensitive habitat (mitigation measure BIO-1) would preserve one single male coastal California gnatcatcher territory in place and a small portion of one additional breeding pair's territory. The preserve area would allow for the safe passage of the two displaced pairs of coastal California gnatcatchers to preserved habitat north of the project site and continuous with open space areas to the north, northeast (which includes at least one additional breeding pair of coastal California gnatcatchers within 500 feet of the offsite preserve area), and to Batiquitos Lagoon State Marine Conservation Area which functions to preserve important coastal-inland wildlife movement. The project shall require development of a Low-Effect Habitat Conservation Plan under Section 10 of the Endangered Species Act.

Mitigation measure BIO-2, Biological Monitoring, a biological monitor shall be present to ensure wildlife species are relocated out of the impact area during ground disturbing activities. The biological monitor would have the right to halt activities if a special-status wildlife species is identified in a work area and is in danger of injury or mortality. Work shall proceed only after any hazard to the individual is removed and the animal is no longer at risk, or the individual has been removed from harm's way in

Drive around our Leucadia neighborhoods – you will not find street lights. I suggest you eliminate this proposed lighting plan which is an unnecessary expense for the developer, upkeep by the future residents, and replace that plan with lights on each of the homes that will turn on when a car, person, or animal comes onto the property. That is what most of us have in the neighborhood. It is a safety amenity and fits into the ambiance of the surrounding neighborhood and respects those of us who live here.

8B-2
cont'd

- (3) **Proposed Amenities – Swimming Pool; Rooftop Barbecues** – A swimming pool is an unnecessary amenity in this environment. Our coastal average temperature is 72 degrees. Not really swimming pool weather. It would serve the future residents of Piraeus Point much better to have a dedicated greenspace for a small park for children to be able to play. How and where otherwise are children going to be able to play outside? It would get much more use than any swimming pool.

8B-3

Rooftop Barbecues are not a good choice. They can potentially be a fire hazard, and noise from rooftop parties will carry up through the neighborhoods around them. Please consider putting barbecues in a section of the green space along with some picnic tables. It will present an opportunity for neighbors to meet and mix collegently as well as be near where their children are playing – with other children! You may even be able to put aside a small space for a dog run as well.

8B-4

Please consider these suggestions carefully, they are practical, cost effective and make sense for future residents and the host neighborhood.

- (4) **Archeological Perspective** - I was glad to read that Tribal Monitoring of this site has been proposed by local Native American tribes and will be conducted. The proximity to the Batiquitos Lagoon is of particular importance along its edge as many of the San Diego Native American tribes migrated from the Valleys and Deserts from the East. There was plenty of fish, shellfish, birds, fox, bob cats, deer, and other species and plant habitats to sustain them through the summer seasons. Plenty of proof has been found in the middens and projects along the south side of the Lagoon that tribes seasonally lived here.

8B-5

Respectfully submitted,
Sheila S. Cameron
Sent from [Mail](#) for Windows

2

accordance with the project's permits and/or management/translocation plans.

8B-2

Comment Summary:

The commenter feels that the proposed street lighting for the project violates the General Plan, which states that Leucadia is a dark skies community. The commenter suggests that the project includes lighting along the onsite buildings, and that such lighting only turns on when cars, people, or animals enter the project site. The commenter expresses that this type of lighting is safe and would be more compatible with the surrounding neighborhood.

Response:

Refer to Response 8A-1.

8B-3

Comment Summary:

The commenter feels that the proposed onsite swimming pool is unnecessary due to the climate of the area. The commenter suggests that instead of a swimming pool, this space instead be used as a park for children who would reside at the project site.

Response:

The comments do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

8B-4

Comment Summary:

The commenter states that residents may utilize rooftop barbeques that may present a fire hazard, and that the rooftop decks would generate potential noise for the surrounding neighborhood. The commenter asks that rooftop barbeques instead be placed at onsite open space, as this would allow residents to interact and children to play with one another.

Drive around our Leucadia neighborhoods – you will not find street lights. I suggest you eliminate this proposed lighting plan which is an unnecessary expense for the developer, upkeep by the future residents, and replace that plan with lights on each of the homes that will turn on when a car, person, or animal comes onto the property. That is what most of us have in the neighborhood. It is a safety amenity and fits into the ambiance of the surrounding neighborhood and respects those of us who live here.

8B-2
cont'd

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8B-4

Please consider these suggestions carefully, they are practical, cost effective and make sense for future residents and the host neighborhood.

- (4) **Archeological Perspective** - I was glad to read that Tribal Monitoring of this site has been proposed by local Native American tribes and will be conducted. The proximity to the Batiquitos Lagoon is of particular importance along its edge as many of the San Diego Native American tribes migrated from the Valleys and Deserts from the East. There was plenty of fish, shellfish, birds, fox, bob cats, deer, and other species and plant habitats to sustain them through the summer seasons. Plenty of proof has been found in the middens and projects along the south side of the Lagoon that tribes seasonally lived here.

8B-5

Respectfully submitted,
Sheila S. Cameron
Sent from [Mail](#) for Windows

2

Response:

Please refer to Master Response 3, which addresses noise concerns.

The use of roof-top barbecues and any safety-related concerns would be handled and maintained through the project's homeowners association. It is assumed that residents would comply with manufacturer's recommendations and safety procedures for use of any barbecues to ensure that potential fire risks are minimized to the extent possible. Such activities do not require evaluation pursuant to CEQA. No further response is required.

8B-5

Comment Summary:

The commenter indicates that they are pleased that project implementation would include tribal monitoring. The commenter notes that the importance of Batiquitos Lagoon to many local Native American tribes and that evidence indicating occupation of this area has been identified.

Response:

As stated in EIR Sections 3.4, Cultural Resources, and 3.13, Tribal Cultural Resources, the City has complied with the requirements of AB 52 for tribal consultation. Tribal monitoring during construction would be required per mitigation measure CR-1.

From: John Conover <surf@tidelines.com>
Sent: Monday, February 6, 2023 8:43 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hi Nick, please fight for the residence of Encinitas, who do not want their community turned into Oceanside. I've been here 45 years. It's bad enough to have these projects that the state has allowed when they're hidden in other parts of the town. But Encinitas Boulevard located Leucadia Boulevard and visible from the freeway are a blight on our community. Find a point in the EIR to fight for the minimizing of this giant development that no one will be proud of.

9-1

Thank you, John Conover
1724 Burgundy Road
Encinitas

Sent from my iPhone

9 John Conover

9-1

Comment Summary:

The commenter states that they have been a resident of Encinitas for 45 years. The commenter feels that the size of the development should be minimized and feels that projects similar to it result in “blight to the community.”

Response:

Refer to Master Response 4.

From: Jen Cox <thecoxfive@gmail.com>
Sent: Monday, February 6, 2023 4:36 PM
To: Nick Koutoufidis
Subject: Opposed to Piraeus Point Project!

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To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project for the following reasons:

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this project's added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

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10 Jennifer Cox

10-1

Comment Summary:

The commenter thanks the City for the opportunity to comment on the EIR and indicates that there are several reasons for her opposition to the proposed project.

Response:

The comment provided is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

10-2

Comment Summary:

The commenter feels that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenter also states opposition to the proposed 40-foot retaining walls.

Response:

Please refer to Master Response 4 pertaining to visual resources and project grading.

The commenter incorrectly asserts that the proposed retaining walls would be 40 feet in height. As described in Section 2.0, Project Description, of the EIR, the retaining wall along the northern property boundary would range from approximately 0.4 feet to a maximum height of approximately 24.9 feet. Along the eastern property boundary, retaining walls would range from approximately zero feet to a maximum height of approximately 29.7 feet. Along the southern project boundary, retaining walls would range from approximately 2.8 feet to a maximum height of approximately 8.6 feet. Along the western property boundary, retaining walls would range from approximately zero feet to a maximum height of approximately 11.6 feet in height, near the proposed entry drive.

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Sent: Monday, February 6, 2023 4:36 PM
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Nick,
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Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

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The project has been designed consistent with the scale, density, and height of future development as identified in the City's General Plan and HEU, as well as applicable zoning regulations that are intended to maintain community character and protect designated scenic views. Proposed landscaping would continue to mature over time, thus further screening the development from public view and visually blending the structures, slopes, and retaining walls into the surrounding setting. The site lacks any scenic resources (e.g., rock outcroppings, ridgelines, etc.), and therefore, existing views would not be altered in this regard due to project disturbance or removal.

10-3

Comment Summary:

The commenter asserts that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenter feels that this would be in conflict with the City's Climate Action Plan.

Response:

Please also refer to Master Response 4. As discussed in Section 3.3, Biological Resources, and elsewhere in the EIR, the project proposes to protect the approximately 4.5 acres to the north of the project site as a preserve area, thereby avoiding potential impacts to sensitive resources and restricting development on the southernmost parcel. The project identifies measures to ensure that impacts resulting with development of the subject site are adequately mitigated for and reduced to a level of less than significant.

The project design would result in 149 new housing units, with 15 affordable units, thereby assisting the City in achieving State-mandated housing goals and further addressing the existing housing shortage at a local level.

10-4

Comment Summary:

The commenter asks that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the

From: Jen Cox <thecoxfive@gmail.com>
Sent: Monday, February 6, 2023 4:36 PM
To: Nick Koutoufidis
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Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project for the following reasons:

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this project's added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

10-1

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applicant was aware of “the rules, site’s constraints, and cost of developing prior to getting involved with the property.”

Response:

Refer to Master Response 4.

10-5

Comment Summary:

The commenter expresses concern over increased traffic and related effects that may worsen with project implementation. The commenter states that direct access to Leucadia Boulevard from Piraeus Street is no longer available and causes local traffic to instead navigate through narrow roads which presents a safety concern for both vehicles and pedestrians.

Response:

Please refer to Master Response 1.

10-6

Comment Summary:

The commenter indicates that the project would not provide adequate parking and would cause residents of the project to park along nearby streets.

Response:

Please refer to Master Response 1.

10-7

Comment Summary:

The commenter notes concern regarding existing safety issues near Capri Elementary School and roads in its vicinity, as well as the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school.

Response:

Please refer to Master Response 1.

From: Jen Cox <thecoxfive@gmail.com>
Sent: Monday, February 6, 2023 4:36 PM
To: Nick Koutoufidis
Subject: Opposed to Piraeus Point Project!

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project for the following reasons:

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this project's added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

- 10-1
- 10-2
- 10-3
- 10-4
- 10-5
- 10-6
- 10-7
- 10-8

10-8

Comment Summary:

The commenter notes that MERV-16 filters would be required with project implementation and expresses concern about cancer risks for those occupying the proposed rooftop decks.

Response:

As indicated in Section 3.2, Air Quality, of the EIR, an Air Quality Heath Risk Assessment (HRA) was prepared to evaluate potential health risks to project residents due to diesel particulate matter (DPM) originating from proximity to I-5; refer to EIR Appendix C-2. Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established San Diego Air Pollution Control District (SDAPCD) excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant impact (Ldn Consulting, Inc. 2022). Refer also to Table 2: Cancer Risk at Worst-Case Outdoor Receptors (Unmitigated) of EIR Appendix C-2.

Cancer risk calculations are based on a 70 year lifetime exposure. In some limited cases, it may be appropriate to also use between 9 to 40 years exposure in the calculation; the 9 year exposure scenario is based on exposure to children during the first 9 years of life. For purposes of the HRA analysis, a 30 year duration through a 70 year duration was reported.

Although DPM levels resulted in cancer risk under a worst-case scenario (unmitigated) at outdoor receptors considered, it is not anticipated that residents of the proposed development or their guests would spend substantial amounts of time occupying the rooftop decks or the common/ pool areas over the 30- to 70-year period considered, as compared to time spent indoors within the residential units. As such, extended outdoor exposure to DPMs due to adjacency to the freeway is not anticipated. The project would be subject to City design review and would be required to comply with standard regulatory requirements of the SDAPCD and City building codes.

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

Thank you for listening to the neighbors most affected by this unwelcome invasion.

Jennifer Cox
760-525-4535

10-9
10-10

10-9

Comment Summary:

The commenter states that the proposed project is not compatible with the surrounding neighborhood, the scenic visual corridor, nor the “gateway” to Encinitas. The commenter requests that all waivers and incentives associated with the project be denied.

Response:

Please refer to Master Response 4.

10-10

Comment Summary:

The commenter thanks the City for listening to residents of the community who are “most affected by this unwelcome invasion.”

Response:

This comment is in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Mr. Nick Koutoufidis

Senior Planner, Planning Commission

Encinitas, CA 92024

Mr. Koutoufidis,

We are writing to express our deep concern for the planned development by Lennar Homes of CA for a project titled Piraeus Point, to be located on the corner of Piraeus Street and Plato Place in Leucadia.

We are homeowners living on Caudor Street. We have been residents of Encinitas since 1974 and homeowners since 1978. We are deeply distressed at this planned project and its impact on our community, ourselves, our neighbors and the potential new residents. We have concerns on multiple levels after reading the Environmental Impact Report (final published in December, 2022), and are most alarmed regarding the impact on Transportation, Safety, Parking, and Congestion.

Transportation This starts with the line in the report, "Transportation impacts are significant and unavoidable." And as the report outlines the access roads to this site as solely from La Costa Avenue or Leucadia Blvd. For La Costa Avenue the reports states "It should be noted that there are no active land uses on the south side of the roadway for pedestrians to access. Additionally, there are no active transit services or facilities along La Costa Avenue within the project study area." For Leucadia Blvd, there are no transit services until you proceed on Leucadia Blvd to Saxony Road, over one mile from the location. "There are also no services within walking distance of this site". The other roads necessary for access Piraeus or Plato are not considered Circulation Element Roadways. I then quote directly from the City of Encinitas General Plan, Circulation Element "**Goal 1 (bolded as in the report): Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.** Obviously this Goal and most of its Policies are being blatantly ignored if this project continues forward.

Safety: There are multiple areas of concern regarding public safety found in this report. However, we would like to focus on the access to Capri Grammar School. As stated in the **Encinitas Pedestrian Travel and Safe Routes to School Plan:** This program was implemented by the Department of Transportation to encourage primary, middle and high school students to walk and bicycle to school and provide a safe means of doing so". From the site identified for Piraeus Point, there is no safe walking or biking access to Capri Grammar School for children since the access is through Plato Place. As stated in the report: "Plato Place is a two-lane divided roadway with no posted speed limit. No bicycle, pedestrian, or transit facilities are presently located along Plato Place." So, no bike lanes or sidewalks are on this "blinded roadway".

Parking: For a development with 149 homes to include 37 two bedroom and 60 three bedroom residences, the 256 parking spaces is totally inadequate when access roadways do not permit street parking. For Piraeus Street, "Parking is prohibited on both sides of this segment of the

11-1

11-2

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11-4

11 Judy and Gary Fix

11-1

Comment Summary:

The commenters express concerns regarding the proposed project, specifically related to transportation, safety, parking, and congestion. The commenters note that they live on Caudor Street and have been residents of the City since 1974.

Response:

This comments provided are introductory and do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

11-2

Comment Summary:

The commenters reference language from EIR Section 3.12, Transportation, regarding access to the project site from La Costa Avenue and Leucadia Boulevard. The commenters suggest that project implementation would violate Goal 1 of the City's General Plan Circulation Element relative to the provision of a transportation system that is safe, convenient, and efficient, and compatible with the surrounding community character.

Response:

Refer to Master Response 1. As discussed in EIR Section 3.12, Transportation, the project has been designed to provide access to alternative means of transportation and to encourage residents and guests to the project site to utilize such modes of travel. The North County Transit District bus route #304 operates bus stops located at the northwest and southeast corners of Leucadia Boulevard and Sidonia Street. Bus route #304 provides connection between the Palomar College Transit Center and the Encinitas Transit Station, thereby enabling regional connections along the route.

The homeowners association (HOA) serving the proposed development would provide information pertaining to available alternative modes of transportation in the area as part of the "new resident" or "new tenant" package. The HOA would also provide residents with transit schedules for

Preface and Responses to Comments

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Senior Planner, Planning Commission
Encinitas, CA 92024

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Parking: For a development with 149 homes to include 37 two bedroom and 60 three bedroom residences, the 256 parking spaces is totally inadequate when access roadways do not permit street parking. For Piraeus Street, "Parking is prohibited on both sides of this segment of the

11-1

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the area and would alert residents when new transit services are added or when services are changed. The closest major transit station to the project site is the Encinitas Transit Station, located approximately 2 road miles to the south. The transit station also provides access to NCTD's COASTER (commuter heavy rail) and NCTD bus routes #101, #304, and #309. Therefore, project residents would have access to both local and regional transit systems.

The project would be in conformance with adopted policies, plans, and programs regarding public transit facilities and would not otherwise decrease the performance or safety of such facilities. The project would not result in a conflict with the City's General Plan supporting a safe, convenient, and efficient transportation system.

11-3

Comment Summary:

The commenters express concern over public safety, specifically with respect to children residing at the project site who would walk or bike along Plato Place to/from Capri Elementary School. The commenters express concern due to the lack of bicycle lanes and sidewalks along Plato Place.

Response:

Please refer to Master Response 1.

11-4

Comment Summary:

The commenters assert that the project does not provide enough onsite parking due to the lack of allowable street parking along local roadways. The commenters note that the US Department of Transportation estimates the average number of cars owned per household to be 1.88, and when considering the number of parking spaces proposed, the project would provide 20 fewer spaces than necessary and would not accommodate for guest parking. The commenters suggest that the lack of onsite parking would impact residents of the surrounding community.

roadway". For Plato Place, parking is prohibited along both sides of the roadway". According to the US Department of Transportation, the average number of cars owned per household is 1.88. If this was applied to the Piraeus Point, the development would be short 20 spaces without accommodation for any guests and without any parking on access roadways. This would require cars to be distributed throughout the neighborhood which impacts long time Encinitas Residents significantly.

Congestion: We do not have statistics; however we have personal experience. We live on the route to Capri Grammar School, in the morning and afternoons it is impossible for us to leave our residence due to the back up of traffic from parents leaving their children off and picking them up from the grammar school. Additionally, today, it takes 25 to 30 minutes to travel on Leucadia Blvd from east of the I-5 to El Camino Real, with up to three passes at a traffic light prior to proceeding. And the city wants to add to this congestion.

Knowing the situation our city faces with providing "low income" housing...Oops, 134 of the 147 residential townhouses will be sold at market rate...not quite low income.. However, you do intend to have 15 units at "very low" – 50% of the area median income for sale...so I guess you have met the "spirit of the law". As long time residents, it is all very disappointing and we respectfully ask for reconsideration of this project.

Hoping for a City Council and Planning Commission that can meet and uphold its own goals and the wishes of Encinitas residents.

Judy and Gary Fix,

1597 Caudor Street
Leucadia, CA 92024

11-4
cont'd

11-5

11-6

Response:

Please refer to Master Response 1.

11-5

Comment Summary:

The commenters express concern over traffic congestion in the surrounding community along the route to Capri Elementary School during pick up and drop off times and feel that project implementation would worsen the congestion. The commenters also express disappointment over the amount of low-income housing proposed and ask the City to reconsider the project.

Response:

Please refer to Master Response 1.

11-6

Comment Summary:

The commenters request that the City Council and Planning Commission respect the City's goals and consider City resident input received in evaluating whether to approve the project.

Response:

This comment is in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

From: Cheri Garcia <cherigarcia59@gmail.com>
Sent: Sunday, December 18, 2022 4:20 PM
To: Nick Koutoufidis
Subject: Fwd: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello,

The portion of the EIR that is objectionable is where it states that Transportation impacts are significant and unavoidable. This is incorrect. A petition was collected from the residents that live near Capri school and a special meeting was held to discuss the traffic problems created by the closure of the south end of Pireus. The meeting was so well attended people were sitting on the floor and standing. We were assured at that time that when the expansion of I-5 took place the south end of Pireus would be reopened. Apparently, this is not going to happen. We are extremely disappointed to say the least. As you know our roads are two lane country roads. If Pireus was reopened all of the traffic wanting to get on 5 south could access the entrance without going through our neighborhood. How do we make an impact on our Council that this needs to be fixed if a petition and a very well attended meeting doesn't work?

12A-1

There is a lot of open land on Pireus and I am sure other projects will be built. I understand we must comply with the State mandates. However, steps need to be taken to protect the residents that live here already. Reopening Pireus is a big step towards accomplishing this safety. Two large projects have been completed since I have lived here. No provisions were made to handle the additional traffic. Our neighborhood cannot just keep handling the additional traffic. Something has to be done to watch out for our welfare while meeting the State mandates.

12A-2

Children walk through this neighborhood to get to Capri school. If the school was built on Quail Garden Road that would cut down on the traffic as well. Both the school construction and the reopening of Pireus are things that our City Council have committed to doing. They need to keep the word and watch out for their citizens.

12A-3

Regards,
Cheryl Garcia
1289 Urania Avenue

12A Cheryl Garcia

12A-1

Comment Summary:

The commenter assert that the EIR incorrectly determines that Transportation impacts are significant and unavoidable. The commenter references a prior meeting where residents were informed that the south end of Piraeus Street would be reopened following the expansion of I-5. The commenter expresses disappointment that the roadway has not been reopened, as doing so would allow vehicles to access to I-5 without having to drive through the local neighborhood.

Response:

Refer to Master Response 1.

12A-2

Comment Summary:

The commenter expresses certainty that future development along Piraeus Street will occur due to the amount of open land. The commenter indicates that actions must be taken to protect existing residents of the neighborhood, such as reopening the southern end of Piraeus Street. According to the commenter, two large projects occurred during the time they have resided in the area, and no actions were taken to account for increased traffic.

Response:

Refer to Master Response 1.

12A-3

Comment Summary:

The commenter notes that the neighborhood is utilized by school children walking to Capri Elementary School and indicates that the City Council has “committed” to construction of Capri Elementary School on Quail Garden Road and to reopen Piraeus Street, which may reduce area traffic.

From:
Sent:
To:
Subject:

Cheri Garcia <cherigarcia59@gmail.com>
Sunday, December 18, 2022 4:20 PM
Nick Koutoufidis
Fwd: Piraeus Point

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There is a lot of open land on Pireus and I am sure other projects will be built. I understand we must comply with the State mandates. However, steps need to be taken to protect the residents that live here already. Reopening Pireus is a big step towards accomplishing this safety. Two large projects have been completed since I have lived here. No provisions were made to handle the additional traffic. Our neighborhood cannot just keep handling the additional traffic. Something has to be done to watch out for our welfare while meeting the State mandates.

Children walk through this neighborhood to get to Capri school. If the school was built on Quail Garden Road that would cut down on the traffic as well. Both the school construction and the reopening of Pireus are things that our City Council have committed to doing. They need to keep the word and watch out for their citizens.

Regards,
Cheryl Garcia
1289 Urania Avenue

12A-1

12A-2

12A-3

Response:

Please refer to Master Response 1 which addresses traffic concerns. Regarding the commenter’s desire for the City to construct Capri Elementary School on Quail Gardens Road and for the reopening of Piraeus Street, such issues are not an environmental concern pursuant to the provisions of CEQA. No further response is required.

From: Cheri Garcia <cherigarcia59@gmail.com>
Sent: Thursday, February 2, 2023 5:40 PM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello,
 I sent an email to you regarding this project while you were out of the office. The portion of the EIR report that I take exception to is the traffic report. It was stated that there is nothing that can be done to mitigate this problem. This statement is incorrect. There are several things that would help. Reopening the south end of Piraeus is first and foremost. The citizens that live in the Leucadia Blvd to Capri School from Piraeus to Saxony were promised that when the I 5 was expanded the south end of Piraeus would be reopened. There was a petition signed by many of the people who live in this area and a special meeting was held during which the promise was made. Secondly, build the school on Quail Garden Road that has been in the works. Both of these changes would take the traffic off of our two lane roads.

12B-1

There is a lot of open land on Piraeus. I am sure more projects will be developed on this street. Meeting the States dictate is necessary but protecting the citizens is necessary too. Please, make the necessary changes to improve the traffic through our neighborhood.

12B-2

Regards,
 Cheryl Garcia

12B Cheryl Garcia

12B-1

Comment Summary:

The commenter notes that they previously submitted a comment to the City. The commenter reiterates points made including suggestions to reduce transportation impacts (see Comment Summaries 12A-1 through 12A-3 above).

Response:

Refer to Responses 12A-1 through 12A-3 above.

12B-2

Comment Summary:

The commenter asserts that additional development will occur along Piraeus Street due to the amount of open land along the roadway. The commenter asks that the City work to improve traffic conditions in the area.

Response:

Refer to Response 12A-2 above.

From: Andy Gilkison <andygilk@yahoo.com>
Sent: Sunday, February 5, 2023 8:21 PM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

RE: Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Hi Nick

I appreciate your time and understand that you are getting feedback regarding the Piraeus Point project.
We live on the dirt road on Caudor Street (NE of the proposed project).

It's hard to imagine an apartment complex going up in that area. Did I read the case right? Already the traffic going up Plato to Capri Elementary (which has to be at full capacity) is so heavy and dangerous for drivers, let alone walkers and bikers. The traffic has increased so much even over the last few years. So many times we heard about kids almost getting hit by cars heading to or from the Capri School area. Then, to consider adding a large apartment complex in the area seems extremely risky, unsafe and unplanned.

There are no sidewalks in the area and traffic going up and down Plato Road and along Caudor will be even more unimaginable than what it currently is. Consider all the kids ages 5-12 getting to school at Capri Elementary. I don't believe Plato Road and Caudor Street can't handle the traffic.

I appreciate your thoughts.
Regards,
Andy

Andy Gilkison
760.696.2310

13-1

13-2

13-3

13

Andy Gilkison

13-1

Comment Summary:

The commenters acknowledge the City in receiving comments on the proposed project and note that they live on Caudor Street.

Response:

This comment is introductory and does not raise environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

13-2

Comment Summary:

The commenter states that existing traffic along Plato Place to Capri Elementary School is dangerous for drivers, walkers, and bikers and notes that Capri Elementary School “has to be at full capacity.” The commenter feels that location of the project as proposed within the subject area would be “extremely risky, unsafe, and unplanned.”

Response:

Please refer to Master Response 1.

13-3

Comment Summary:

The commenter expresses concern over the lack of sidewalks in the area and feels that the project would worsen existing traffic issues on Plato Place and Caudor Street.

Response:

Please refer to Master Response 1.

Preface and Responses to Comments

From: Janna Gilkison <jannagilk@gmail.com>
Sent: Saturday, February 4, 2023 10:14 AM
To: Nick Koutoufidis
Subject: Piraeus Point - should never happen

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To whom it may concern:
I live in the Capri neighborhood and I am writing to tell you that a large living community (or even a small one) would negatively impact this neighborhood. This community already struggles to keep Capri elementary students safe. Over the 15 years I have lived here I have seen children almost run over. Capri has since hired a crossing guard and the city installed a cross walk with a sign and button to cross. This has minimally helped. The school is overcrowded. The neighborhood also does not have adequate sidewalks and is a dark community (meaning there are no street lights). This makes it already a very dangerous neighborhood to walk and drive - especially at night. Adding a population will make this neighborhood dangerous and overcrowded - more so than it already is. I will not address other areas of concern such as water run off, drainage, speeding on Piraeus Avenue and other known issues nearby.
Do not proceed with this project. _____
Sincerely,
Janna Gilkison

14-1
14-2
14-3
14-4

14 Janna Gilkison

14-1

Comment Summary:

The commenter indicates that they reside near Capri Elementary School. The commenter expresses concerns regarding the safety of schoolchildren and notes existing safety issues for schoolchildren that have not been adequately addressed by the City. The commenter also notes that the elementary school is overcrowded.

Response:

Please refer to Master Responses 1 and 2.

14-2

Comment Summary:

The commenter feels that the neighborhood is dangerous due to the lack of sidewalks and street lighting and believes that the neighborhood would become more dangerous and overcrowded as a result of project implementation.

Response:

Please refer to Master Response 1 and Responses 7-4 and 8-1A.

14-3

Comment Summary:

The commenter indicates that they will not express other concerns related to water runoff, drainage, speeding along Piraeus Street, and “other known issues nearby.”

Response:

The commenter identifies several issues, but does not provide specifics as to what her concerns are. Refer to EIR Section 3.8, Hydrology and Water Quality. Vehicle speed is not an issue of environmental concern relative to CEQA. The comment provided does not question the adequacy of the EIR. No further response is required.

From: Janna Gilkison <jannagilk@gmail.com>
Sent: Saturday, February 4, 2023 10:14 AM
To: Nick Koutoufidis
Subject: Piraeus Point - should never happen

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To whom it may concern:
I live in the Capri neighborhood and I am writing to tell you that a large living community (or even a small one) would negatively impact this neighborhood. This community already struggles to keep Capri elementary students safe. Over the 15 years I have lived here I have seen children almost run over. Capri has since hired a crossing guard and the city installed a cross walk with a sign and button to cross. This has minimally helped. The school is overcrowded. The neighborhood also does not have adequate sidewalks and is a dark community (meaning there are no street lights). This makes it already a very dangerous neighborhood to walk and drive - especially at night. Adding a population will make this neighborhood dangerous and overcrowded - more so than it already is.
I will not address other areas of concern such as water run off, drainage, speeding on Piraeus Avenue and other known issues nearby.
Do not proceed with this project. _____
Sincerely,
Janna Gilkison

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14-4

Comment Summary:

The commenter requests that the City not proceed with the proposed project.

Response:

The City will take into consideration the concerns raised in evaluating whether or not to approve the proposed project. No further response is required.

From: Ray G

Mr. Koutoufidis.

Please accept this letter as my response to the above mentioned Environmental Impact Report for the Piraeus Point Project. In the report under Significant Environmental Effects Anticipated As a Result of the Project, the list of items not resulting in significant environmental impacts includes air quality, (see air quality 3.2 pages 16 & 17 stating MITIGATING need for MREV 16 air filters due to I-5 diesel fumes) biological resources, cultural resources, noise and wildfire. What is the baseline for significant impact? Please note the I-5 Scenic Visual Corridor, it has restriction on grading steep slopes and habitat/geographical limitations. We should state opposition to grading on steep slopes and proposed earth removal of 60,000 cubic yards of soil. It seems difficult to assume that none of these items listed won't be negatively impacted, especially biological and cultural resources, noise and wildfire. The current increase in traffic on I-5 and Piraeus has already effected those in the vicinity with more noise and louder noise than ever and we already have a state of high caution regarding uncontrollable fires. Setting 140 plus structures and 300 plus humans and pets and vehicles in a very condensed space, will not help either of these items stay at their current levels or mitigate the risk of increased effect. The Piraeus Point Project cannot be evaluated solely on this project alone as the EIR needs to include the compounding effect of the additional projects in close vicinity, such as the Cowboy Steve Legacy Project, The Toll Brothers development just West of I-5 on La Costa, the Fox Point Project and Quail Gardens Projects will all impact the local community on all items listed in your Impact Report. The EIR also states that the impact on miles traveled cannot be mitigated to less than significant levels yet they determine the impacts to be significant and unavoidable. They are unavoidable as it's a clear result that the traffic study concludes the obvious which, there is no room or tolerance available for increased traffic. So how does the city and developer resolve this increased traffic dilemma? The EIR addresses the safety dangers for pedestrians or bike traffic on Piraeus or any of the nearby streets as a problem. This alone should be enough to look elsewhere. If the EIR is so far off base and not aligned in reality, why would anyone consider the rest of the findings to be valid?

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15 Ray Gutoski

15-1

Comment Summary:

The commenter provides a list of environmental impacts they assert will result from the project and inquires as to what the thresholds are that determine significant environmental effects.

The commenter also expresses opposition to the amount of soil proposed for removal, as well grading on steep slopes due to the project site's location in the I-5 Scenic Visual Corridor. The commenter states that the project may result in adverse impacts associated with biological resources, cultural resources, noise, and wildfire because the project proposes placing over 140 structures in a condensed area. The commenter also expresses concern regarding increased traffic along I-5 and Piraeus Street, particularly with regard to noise impacts and fire risk in the area.

Response:

The commenter refers to the Notice of Availability (NOA) -- not the EIR -- published by the City in accordance with CEQA regulations in referencing the "Significant Environmental Effects Anticipated as a Result of the Project. The commenter incorrectly states that the list of topics provided would not result in significant environmental impacts. The NOA states that "the EIR concludes that the project would not result in significant environmental impacts with the incorporation of mitigation measures for air quality, biological resources, cultural resources, geology and soils (paleontology), noise, tribal cultural resources, and wildfire." Mitigation measures are identified in the EIR to reduce such impacts to less than significant. Project impacts are evaluated in Chapter 3.0 of the EIR which identifies the significance thresholds used in evaluating each of the CEQA related topics of environmental concern.

Refer to Master Response 4 which addresses project impacts on visual resources. The applicant requests a waiver because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially

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reduced, impacting the project's ability to provide for deed-restricted affordable housing onsite, which is an objective for the site as identified in the Housing Element Update. Mitigation measures are identified in EIR Chapter 3.0 for impacts (e.g., biological and cultural resources, noise and wildfire) resulting with project improvements to reduce such impacts to less than significant.

Refer to Master Response 3. As described in Section 3.10, Noise, of the EIR, based on the number of average daily vehicle trips generated, the project would not cause a doubling in traffic volumes along any area roadways, or otherwise substantially increase area traffic volumes, that would contribute to a 3 dBA L_{dn} increase in noise levels (threshold for determining a significant impact). Therefore, the project would not contribute to a substantial increase in noise levels on local roadways or in the surrounding community.

Section 3.15, Wildfire, of the EIR reflects the findings of the site-specific Fire Protection Plan prepared for the project. Based on the findings of the analysis, the EIR identifies mitigation to ensure that measures from the Fire Protection Plan are implemented, thereby reducing potential adverse effects relative to wildfire risk to less than significant.

15-2

Comment Summary:

The commenter indicates that in addition to analyzing project-specific impacts, the EIR must address impacts of the project in conjunction with other projects in the area, such as the Cowboy Steve Legacy Project, the Toll Brothers Development, the Fox Point Project, and the Quail Gardens Project.

Response:

Consistent with CEQA Guidelines Section 15130(a), the discussion in the EIR focuses on the identification of significant cumulative impacts and, where present, the extent to which the proposed project would constitute a considerable contribution to the cumulative impact. Cumulative analyses for each CEQA environmental topic are include at the end of Sections 3.1 through 3.15 of the EIR. The cumulative projects listed in Table 3.0-1, Cumulative Projects, includes closely related past, present,

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and reasonably foreseeable probable future projects. Reasonably foreseeable projects are those for which an application is on file and in process with the City. The list was developed in consultation with the City's Development Services Department. These nearby reasonably foreseeable projects were considered in the cumulative impact analysis of the EIR, as appropriate. To be conservative, the cumulative analysis also includes all 2019 HEU sites to the extent they may contribute to certain issue-specific cumulative effects (see Table 3.0-2, Housing Element Update Sites, in Section 3.0 of the EIR). Thus, the cumulative analysis in this EIR is based on a "worst-case" assumption that all of the HEU sites are developed. It should be noted that the Fox Point Farms Project and Quail Meadows Apartments Project were identified in Table 3.0-1 in Section 3.0 of the EIR and were considered in the cumulative analysis.

15-3

Comment Summary:

The commenter notes that VMT related impacts would be significant and unavoidable as concluded in the EIR and then concludes that, therefore, there is no room for increased traffic.

The commenter also states that safety concerns for pedestrians and cyclists on local streets as identified in the EIR should suggest that another site may be more appropriate." The commenter also feels that the EIR is inaccurate and questions why other findings should be considered valid.

Response:

Please refer to Master Response 1 regarding transportation safety.

The commenter does not specify in what ways the EIR is inaccurate or "not aligned in reality." Sections 3.1 through 3.15 of the EIR adequately analyze potential impacts to environmental resources pursuant to the provisions of CEQA associated with implementation of the proposed project.

As described in Section 5.0, Alternatives, of the EIR, an Alternative Site Alternative was analyzed. It is anticipated that locating the proposed project on offsite lands in the surrounding vicinity would generally result in similar development potential and associated environmental impacts, depending on the developed or undeveloped nature and physical

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characteristics of the selected site. As Encinitas is generally urbanized and largely built out, impacts relative to biological resources, cultural resources, geology and soils, etc., are anticipated to be similar to those that would result with the project if the same development were built elsewhere in the community. Because most impacts would be similar, and because the proposed project only results in one significant, unavoidable impact, the alternative site would also be required to meet the 15% VMT reduction threshold to avoid significant and unavoidable impacts related to transportation.

Within the City, to achieve the allowed project density of 208 units (at a density of 30 dwelling units per acre), only sites with R-30 zoning were considered. These sites are limited to those identified by the 2019 HEU. None of these sites are considered feasible because they are not owned by the project proponent. None of these sites is within "walking distance" (defined as ½ mile or less) of the Encinitas Coaster Station, which may reduce regional VMT by encouraging multi-modal transportation. Therefore, no alternative project locations were determined to meet the majority of the project objectives and reduce significant and unavoidable impacts to VMT.

Within the region, alternate project location sites to reduce VMT impacts were considered in major employment areas also served by transit and which allow for high-density housing. This limited sites to the UTC area of San Diego (where the current MTS Blue Line trolley is being extended) and downtown San Diego. After reviewing these areas, it was determined that such alternative project locations would be infeasible because none of these sites are owned or controlled by the project proponent, and none would meet the majority of the project objectives.

For the above reasons, an alternative site location is considered infeasible pursuant to CEQA Guidelines Section 15126.6(c). Therefore, the Alternative Site Alternative was rejected from further analysis in the EIR.

Preface and Responses to Comments

Addressing points from the current Encinitas General Plan versus this project:

2.1.1- This project will scare all existing wildlife out of this natural landscape during the construction period and negatively affect the remaining wildlife if the project is completed. These animals will be killed either by construction traffic or by increased road traffic of adjoining roadways such as La Costa Avenue. Cutting into the natural slope of the hills will also have a negative impact regarding fire and fire control in the event of fire and soil stability in case of earthquake or flooding.

2.1.2- These proposed units by Lennar Homes are no way close to fitting in with the current design and characteristics of existing local homes in the area. The development is progressive in its design and completely out of place. The structures are too high, too close to one another and fit an urban expansion project. Completely off target from the Encinitas City Plan’s intent, as well as the restrictions within the Scenic Visual Corridor. Not to mention the small ratio of low income offerings does nothing to fulfill the states mandate to supply low income homes. In 2-3 years, at current rates, what will be low income? Who pays the difference? How do you assure that local residents will not be tasked with shouldering the burden?

2.1.3-Local schools can barely handle the amount of children now or the heavy to and from traffic currently pushed through our neighborhood. Our roads are in poor condition and can never be made wide enough to account for additional cars’ trucks, buses, bikes and humans and pets. The neighborhood is land locked and it was not designed to have such condensed housing or the traffic resulting from such. Please have the EIR address the back up of vehicles during Capri Elementary drop-off and pick-up times and how to reduce/improve traffic flow. Why didn’t the EIR address Capri traffic and PP impact upon an already intolerable situation?

2.3-The Piraeus Point Project and additional local housing developments must be considered as one, as they will have a compounding effect on the ability of the city to provide adequate resources to support the needs of the additional residents, not to mention the current residents. Just the impact on utilities such as energy and water, which are currently running at a deficit, with the increased demand, will leave existing residents in a dangerous position in the event of

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Comment Summary:

The commenter asserts that project construction would cause wildlife at the site to relocate, and further, that construction traffic and operational traffic would kill area wildlife. The commenter expresses concern that proposed cutting into steep slopes would result in adverse effects related to fire control and soil stability in the event of an earthquake or flooding.

Response:

Project impacts relative to wildfire are analyzed in EIR Section 3.15, Wildfire. The project has the potential to exacerbate wildfire risks. Mitigation measure WF-1 would require implementation of measures outlined in the Fire Protection Plan to reduce potential fire threat and provide heightened protection. The project would be constructed in compliance with access and design requirements of the City of Encinitas Fire Department (conditions of approval) and recommendations of the Fire Protection Plan (Appendix O of the EIR) and would be subject to payment of impacts fees to ensure that public safety services can be adequately provided for the project site.

Impacts of the proposed project relative to geology and soils are analyzed in EIR Section 3.6, Geology and Soils. The project applicant would be required to prepare a Final Geotechnical Investigation. The project would be designed and constructed in accordance with requirements of the California Building Code and local requirements, combined with recommendations made in the Geotechnical Investigation. With conformance to such regulations, the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, or collapse. Impacts were determined to be less than significant.

15-5

Comment Summary:

The commenter feels that the project as proposed would not be compatible with the design of homes in the surrounding community, particularly due to proposed building height, spacing between the buildings, and the urban

Addressing points from the current Encinitas General Plan versus this project:

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2.3-The Piraeus Point Project and additional local housing developments must be considered as one, as they will have a compounding effect on the ability of the city to provide adequate resources to support the needs of the additional residents, not to mention the current residents. Just the impact on utilities such as energy and water, which are currently running at a deficit, with the increased demand, will leave existing residents in a dangerous position in the event of

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feel of the buildings. As such, the commenter believes that the project is inconsistent with City goals and Scenic Visual Corridor requirements. The commenter also expresses concern regarding the limited amount of low income housing proposed, what qualifies as low income, and how such housing is ultimately financed.

Response:

Please refer to Master Response 4. The project site lies within the Scenic View Corridor for I-5. Development within such critical viewshed areas is subject to overlay restrictions and to the City's discretionary design review process to ensure that the architectural style and character of proposed structures and other improvements do not conflict with the surrounding character, obstruct scenic views, or reduce the value of any scenic resource. The project has been designed in conformance with applicable Scenic/Visual Corridor Overlay and California Coastal Commission design requirements.

Effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)); CEQA does not require analysis of project costs nor economic impacts. All affordable housing resulting with the project would be operated in compliance with State Housing Laws and is not considered an issue of environmental concern relevant to CEQA or one that requires analysis in the EIR.

15-6

Comment Summary:

The commenter feels that local schools are currently struggling due to a lack of capacity and traffic congestion. The commenter indicates that local roads would not be able to handle the increase in traffic resulting from the proposed condensed development. The commenter requests that the EIR address traffic flow during Capri Elementary School pick up and drop off times and how the proposed project would contribute to an existing "intolerable situation."

Response:

Please refer to Master Responses 1 and 2.

Preface and Responses to Comments

power loss due to brownouts caused by increased demand during high usage times and now way for SDGE to increase grid capacity. These projects are mandated to only use electric power and no amount of solar inclusion can keep up with this demand, especially at peak times when the sun is down. This data is available to anyone who cares to find it. Even in a period of record rain fall, the state is not prepared to capture that water and help themselves out of drought conditions. Again, increase demand and limited resources will lead to higher fees and water rationing thus punishing the existing residents. How can the EIR better address these combined development upon our local streets to be impacted?

2.10-Lennar has stated that it would be too costly to bury the utility lines underground and expect the local residents to accept the utility poles and lines as part of their line of sight just so Lennar doesn't have to incur extra cost to build the project. This is unacceptable. Insist the undergrounding of Utilities, No exceptions.

3.1 And 6.6-This is becoming an exercise in redundancy as the Encinitas General Plan was designed and authored to allow for development with the intent to not make Encinitas into an urbanized community. This project is a perfect example of not only ignoring the General Plan but blatantly spitting on it and thus spitting on the residents that have made Encinitas into the great community that it is and to the newer homeowners that have chosen Encinitas because of these same great qualities. There are plenty of cities that welcome this type of design and development and Lennar should offer this plan to those cities, not ours.

I appreciate the opportunity to have my observations included in the process of evaluation of this project and looks forward to the response from the city.

Ray Gutoski

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cont'd

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Comment Summary:

The commenter feels that the proposed project must be analyzed in conjunction with other housing projects to address how the City's ability to support future and existing residences may be impacted. The commenter expresses particular concerns related to increased energy demands and water demands, both of which could result in increased fees for residents and the need for water rationing. The commenter asks that for the EIR to better address the impacts of the proposed project in conjunction with other developments in the area.

Response:

Please refer to Master Response 2 and Response 15-2 above. Cumulative impacts of the proposed project related to utilities, such as energy and water demand, when considered in conjunction with other reasonably foreseeable projects, are adequately analyzed at the end of Section 3.14, Utilities and Service Systems. Comments indicating that the EIR needs to better address cumulative impacts of the project are conclusory in nature and provide no specifics on how the analysis is lacking or otherwise inadequate per the provisions of CEQA and State CEQA Guidelines. No change to the EIR analysis is required in response to the comments provided.

15-8

Comment Summary:

The commenter feels that it is unacceptable for the applicant to be exempted from undergrounding utilities in order to save money.

Response:

Please refer to Master Response 4.

15-9

Comment Summary:

The commenter feels that the project ignores and actively violates the General Plan and would be an insult to City residents who have contributed

power loss due to brownouts caused by increased demand during high usage times and now way for SDGE to increase grid capacity. These projects are mandated to only use electric power and no amount of solar inclusion can keep up with this demand, especially at peak times when the sun is down. This data is available to anyone who cares to find it. Even in a period of record rain fall, the state is not prepared to capture that water and help themselves out of drought conditions. Again, increase demand and limited resources will lead to higher fees and water rationing thus punishing the existing residents. How can the EIR better address these combined development upon our local streets to be impacted?

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I appreciate the opportunity to have my observations included in the process of evaluation of this project and looks forward to the response from the city.

Ray Gutoski

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cont'd

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to the community. The commenter feels that this project belongs in a different city.

Response:

The City acknowledges the commenter's opposition to the project. Refer also to Master Response 4 relative to Visual Impacts/Community Character. The commenter does not raise an issue of environmental concern relative to CEQA nor question the adequacy of the EIR. No further response is required.

15-10

Comment Summary:

The commenter indicates that they appreciate the opportunity to provide comments and looks forward to the City's response.

Response:

This comment is a conclusion and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project.

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles.

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

Regards

Noren Honda Noren Honda 3/6/2023
976 URANIA Ave 760 492 4684
ENCINITAS, CA. 92024

16 Noren Honda

16-1

Comment Summary:

The commenter thanks the City for the opportunity to comment on the EIR and expresses that they are opposed to the proposed project.

Response:

The comment provided is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

16-2

Comment Summary:

The commenter feels that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenter also states opposition to the proposed 40-foot retaining walls.

Response:

Refer to Response 10-2.

16-3

Comment Summary:

The commenter asserts that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenter feels that this would be in conflict with the City's Climate Action Plan.

Response:

Refer to Response 10-3.

16-4

Comment Summary:

The commenter asks that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

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Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project.

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles.

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

Regards

Noreen Honora 3/6/2023
976 URANIA AVE 760 492 4684
ENCINITAS, CA. 92024

applicant was aware of "the rules, site's constraints, and cost of developing prior to getting involved with the property."

Response:

Refer to Master Response 4.

16-5

Comment Summary:

The commenter expresses concern over increased traffic and related effects that may worsen with project implementation. The commenter states that direct access to Leucadia Boulevard from Piraeus Street is no longer available and causes local traffic to instead navigate through narrow roads which presents a safety concern for both vehicles and pedestrians.

Response:

Refer to Response 10-5.

16-6

Comment Summary:

The commenter indicates that the project would not provide adequate parking and would cause residents of the project to park along nearby streets.

Response:

Refer to Response 10-6.

16-7

Comment Summary:

The commenter notes concern regarding existing safety issues near Capri Elementary School and roads in its vicinity, as well as the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school.

Response:

Refer to Response 10-7.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project. 16-1

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. 16-2

Biology-Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. 16-3

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. 16-4

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass. 16-5

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. 16-6

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking? 16-7

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. 16-8

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives. 16-9

Regards

Noreen Honda Noreen Honda 3/6/2023
976 URANIA AVE 760 492 4684
ENCINITAS, CA. 92024

16-8

Comment Summary:

The commenter notes that MERV-16 filters would be required with project implementation and expresses concern about cancer risks for those occupying the proposed rooftop decks.

Response:

Refer to Response 10-8.

16-9

Comment Summary:

The commenter states that the proposed project is not compatible with the surrounding neighborhood, the scenic visual corridor, nor the "gateway" to Encinitas. The commenter requests that all waivers and incentives associated with the project be denied.

Response:

Please refer to Response 10-9.

From: Rich Horowitz <rich@morrisonhotelgallery.com>
Sent: Sunday, February 5, 2023 8:50 AM
To: Nick Koutoufidis
Subject: Case # MULTI-005158-2022 Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Mr. Koutoufidis

As a 36 year resident of Encinitas, and with my home located very close to the proposed location of Piraeus Point, I would like to express my concern in regards to the safety issues surrounding this project.

17-1

My first concern is the lack of sidewalks from Piraeus to Caudor Street, which is the route that children would have to walk in order to reach Capri School. Children taking that route have no safe place to walk.

17-2

It's also reasonable and foreseeable that the lack of sufficient parking for the new residents will create unintended consequences. There is no street parking and any overflow, whether it be from the residents or their guests, will have no place to go. There is not room on the adjoining streets for parking as they are too narrow.

17-3

I urge the city to figure out a way to mitigate these safety concerns and I feel that this particular parcel of land is unsuitable for a project of this size.

17-4

Regards,

Richard Horowitz
1643 Caudor St.
Encinitas, CA 92024

760-519-3823

Soho - West Hollywood - Maui

17 Richard Horowitz

17-1

Comment Summary:

The commenter indicates that he has resided in the City for 36 years and lives near the project site. The commenter expresses safety concerns associated with the proposed project.

Response:

This comment is an introductory statement. It does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

17-2

Comment Summary:

The commenter expresses safety concerns for children walking to Capri Elementary School due to the lack of sidewalks from Piraeus Street to Caudor Street.

Response:

Please refer to Master Response 1.

17-3

Comment Summary:

The commenter states that the project does not propose enough onsite parking for residents and guests, which is a concern due to the lack of street parking on surrounding streets which are narrow and cannot adequately accommodate vehicle parking.

Response:

Please refer to Master Response 1.

From: Rich Horowitz <rich@morrisonhotelgallery.com>
Sent: Sunday, February 5, 2023 8:50 AM
To: Nick Koutoufidis
Subject: Case # MULTI-005158-2022 Piraeus Point

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Dear Mr. Koutoufidis

As a 36 year resident of Encinitas, and with my home located very close to the proposed location of Piraeus Point, I would like to express my concern in regards to the safety issues surrounding this project. 17-1

My first concern is the lack of sidewalks from Piraeus to Caudor Street, which is the route that children would have to walk in order to reach Capri School. Children taking that route have no safe place to walk. 17-2

It's also reasonable and foreseeable that the lack of sufficient parking for the new residents will create unintended consequences. There is no street parking and any overflow, whether it be from the residents or their guests, will have no place to go. There is not room on the adjoining streets for parking as they are too narrow. 17-3

I urge the city to figure out a way to mitigate these safety concerns and I feel that this particular parcel of land is unsuitable for a project of this size. 17-4

Regards,

Richard Horowitz
 1643 Caudor St.
 Encinitas, CA 92024

760-519-3823

Soho - West Hollywood - Maui

17-4

Comment Summary:

The commenter requests that the City mitigate for the previously mentioned safety concerns. The commenter also feels that the size of the proposed project is not appropriate for the project site.

Response:

Please refer to Master Response 1 which addresses previously mentioned safety concerns. Refer also to Master Response 4. The project site (APN 254-144-01) currently has a General Plan land use designation of R30 OL (Residential 30 Overlay) and RR2 (Rural Residential; 1.01-2.00 dwelling units per acre) and is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. Under the R-30 overlay designation and zoning, the project site could be developed with up to 161 residential units without application of allowances under state Density Bonus laws [(5.36 net acres x 30 DU/acre)]. With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. No changes to the existing land use or zoning are required or proposed to allow for project implementation. The 149 multi-family residential units proposed with the project would therefore be within the allowable unit count as identified in the HEU.

From: Brian Howarth <brianhowarth99@gmail.com>
Sent: Tuesday, January 31, 2023 2:26 PM
To: Nick Koutoufidis
Cc: Encinitas community collective; Linked In
Subject: Piraeus Point Case # Multi - 005158-2022

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hello Nick.

I have reviewed the EIR and referenced my message sent on June 24th 2022 and feel that many of the concerns expressed back in June are not adequately addressed in the EIR.

Some concerns, like traffic, do not appear to be addressed at all.

Please take a moment to read the below concerns and help the citizens of our community find reasonable solutions, require the builder to make adjustments or improvements to the road, or deny the project.

Traffic flow

- o Traffic - Piraeus is dead end going south to access the 5.
- o Can the city and builder provide solutions for traffic going south that does not include traffic moving through small neighborhood roads?

Mobility / safety

- o Children living in Piraeus point will be close enough to Capri to walk. There are no sidewalks between Piraeus and Caudor which means children will be walking the road.
- o If you have ever walked that road, especially around 8am, you would know it is not safe to walk. It would seem the city would have responsibility to provide safety for people walking that road.
- o Can the city require the builder to add sidewalks?
- o Kids walking this stretch would be a safety issue for both kids and cars.

18-1 Brian Howarth

18-1

Comment Summary:

The commenter asserts that many of their concerns previously expressed in a message to the City dated June 24, 2022 are not adequately addressed in the EIR and other concerns, such as traffic, are not included in the EIR analysis. The commenter asks that the City consider the concerns raised in subsequent sections of the current comment letter provided.

Response:

This comment is introductory and provides context for the concerns outlined in subsequent sections of the comment letter. Transportation impacts associated with the proposed project adequately analyzed in Section 3.12 of the EIR.

18-2

Comment Summary:

The commenter states that Piraeus Street “is dead end” when traveling south toward I-5 and asks that the City and applicant determine solutions to support traffic flows along southbound Piraeus Street that would not impact the nearby neighborhood roads.

Response:

Please refer to Master Response 1.

18-3

Comment Summary:

The commenter expresses concerns over the lack of sidewalks extending from Piraeus Street to Caudor Street, which poses safety issues for children walking to Capri Elementary School from the project site, as well as cars.

Response:

Please refer to Master Response 1.

Preface and Responses to Comments

<p><u>Parking</u></p> <ul style="list-style-type: none">○ Piraeus is narrow and the project appears to provide parking for homeowners but not guests. With over 120 homes where are guests expected to park?○ Doesn't the city have some responsibility to require the builder provide adequate parking on the premises for some percentage of owners? For example if there are 129 homes what level of guest parking is adequate?○ Guessing the number would be more than 50?○ Can the city mandate the builder adjust to provide more parking on premises? The concern is that otherwise cars will park on the already narrow road and into the neighborhood. <p><u>School</u></p> <ul style="list-style-type: none">○ Capri is near capacity. Where is the city proposing residents of Piraeus Point send their kids to middle school?○ Has the city considered or proposed a new school to be built?○ If a proposed school is to be built what is the expected timing for new students and where would residents of Piraeus Point go in the meantime?○ Has the city proposed a solution that would provide schooling for the new residents of the several new projects including Piraeus Point, Fox Point, and others? <p><u>Street lighting</u></p> <ul style="list-style-type: none">○ With the increased traffic flow is the city proposing a streetlight at the intersection of Plato and Piraeus?○ How is the city addressing the increase in traffic at Piraeus and Plato to ensure safety for new residents and existing residents? <p>Adding over 100 homes into that small area with little to no traffic solution, parking, sidewalks, street lights, etc would seem to be an overall safety concern to existing and new residents.</p> <p>Sincerely, Brian Howarth</p>	<p>18-4</p> <p>18-5</p> <p>18-6</p> <p>18-7</p>	<p>18-4</p> <p><u>Comment Summary:</u></p> <p>The commenter questions whether the amount of guest parking provided is adequate and asks that the City require the applicant to provide more onsite parking spaces to prevent cars from parking on the road and in the nearby neighborhood.</p> <p><u>Response:</u></p> <p>Please refer to Master Response 1.</p> <p>18-5</p> <p><u>Comment Summary:</u></p> <p>The commenter expresses concern over the capacity of local elementary and middle schools, especially when considered in conjunction with other developments nearby to the project. The commenter also asks whether the City plans to building a new school, with consideration for school aged children that would be generated by other new development projects in the area.</p> <p><u>Response:</u></p> <p>Please refer to Master Response 2.</p> <p>18-6</p> <p><u>Comment Summary:</u></p> <p>The commenter asks if the City is proposing a streetlight at the intersection of Piraeus Street and Plato Place. The commenter also asks how the City would ensure safety along Piraeus Street and Plato Place would be maintained given the increase in traffic that would result with project implementation.</p> <p><u>Response:</u></p> <p>Please refer to Master Response 1. A streetlight is not proposed at the intersection identified above. The need for offsite roadway or intersection improvements, including signalization, was not identified by the Local Transportation Analysis prepared for the project as proposed (Intersecting Metrics 2022).</p>
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Parking

- Piraeus is narrow and the project appears to provide parking for homeowners but not guests. With over 120 homes where are guests expected to park?
- Doesn't the city have some responsibility to require the builder provide adequate parking on the premises for some percentage of owners? For example if there are 129 homes what level of guest parking is adequate?
- Guessing the number would be more than 50?
- Can the city mandate the builder adjust to provide more parking on premises? The concern is that otherwise cars will park on the already narrow road and into the neighborhood.

18-4

School

- Capri is near capacity. Where is the city proposing residents of Piraeus Point send their kids to middle school?
- Has the city considered or proposed a new school to be built?
- If a proposed school is to be built what is the expected timing for new students and where would residents of Piraeus Point go in the meantime?
- Has the city proposed a solution that would provide schooling for the new residents of the several new projects including Piraeus Point, Fox Point, and others?

18-5

Street lighting

- With the increased traffic flow is the city proposing a streetlight at the intersection of Plato and Piraeus?
- How is the city addressing the increase in traffic at Piraeus and Plato to ensure safety for new residents and existing residents?

18-6

Adding over 100 homes into that small area with little to no traffic solution, parking, sidewalks, street lights, etc would seem to be an overall safety concern to existing and new residents.

18-7

Sincerely,

Brian Howarth

18-7

Comment Summary:

The commenter states that the project presents safety concerns associated with traffic, parking, sidewalks, and street lights with the addition of the residential units proposed.

Response:

This comment is in conclusion and summarizes previously identified concerns (see Responses 18-2 through 18-6, above). No further response is required.

Preface and Responses to Comments

From: Yale Jalloos <yale@yalejalloosdesign.com>
Sent: Sunday, February 5, 2023 9:32 AM
To: Nick Koutoufidis
Subject: Piraeus Point EIR response

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Encinitas Planning Staff,

In Response to Piraeus Point EIR these are my concerns and comments:

1. Safety: Safety as it relates to TRAFFIC has not been addressed and this will result in injuries or worse in a neighborhood where many children walk to school. The report determines that traffic will be significantly affected, and that it is unavoidable. This is NOT a safe approach to SIGNIFICANT traffic increase in the area. This project should not be approved without a comprehensive city spending plan to actually address the traffic changes. Further, the studies done assume that all the traffic from the development will drive north to La Costa Ave. This is NOT the case. Many people will try to take a less busy drive south to Leucadia Blvd and cross the highway there to the business and restaurant center of Leucadia. A Major traffic increase heading SOUTH will occur. The current flow of traffic south to Normandy and down Urania is already maxed out at school drop off hours and work traffic. It has speed bumps (which are necessary for safety) and very unsafe sidewalks that do not allow strollers to even make it the whole way without going in the street. Allowing the city planners and the developer to move forward without creating a better path south by car using Piraeus to connect directly to Leucadia Blvd from the North should not be allowed. Routing all that traffic through Urania and Normandy is not safe for kids walking to school at Capri or for parents picking them up. The Encinitas community plan for traffic is VERY clear that safety is the main focus. The City Planning Commission and all its individual members would be directly responsible for any injuries or deaths resulting from overloading Urania and Normandy with south bound or north bound traffic. Not to mention Saxony as well, as many new home owners would cut through there to get to Stater Bros and Walmart daily. I have seen bad planning result in child deaths in San Diego in Clairemont. Poor planning lead to many street parked cars and blind corners. Higher density without a real pedestrian protection plan was the cause of this. Please consider full 2-way traffic on Piraeus south to connect to Leucadia Blvd.

2. Undergrounding the utilities for the project should be mandated. The city has the right and the power to demand that all power and utilities be underground to make this development far less offensive visually. All forward thinking cities are making this request of developers on new projects, we should not be an exception because the developer wants to save money.

3. The city is considering granting an exception to the steep hillside land use code and possibly allowing the developer to cut into 40% slope areas and use that area to count toward density. I think it would be best for these steep hillsides to not grant this exception. The city could offer 25 units per "code buildable" acre and satisfy state requirements. This would reduce the buildable acreage of the lot and the number of units slightly. The developer could build 25 units per acre based on the new adjusted area excluding the steep hillsides.

Finally, I urge the City Planning Commission members to really consider the changes that 900 more cars per day heading south and north through the neighborhoods will have on the safety of kids walking to school and to the Park. This is a real problem that is being ignored by this report and by the City Staff. In Addition, the huge influx of new children to Capri elementary will require a fast-track construction plan and City spending plan to build new classrooms and amenities for all the new kids who go to this school.

1

19 Yale Jalloos

19-1

Comment Summary:

The commenter expresses safety concerns for children walking to school due to the increase in traffic that would occur as a result of project implementation and feels that the City should implement a comprehensive spending plan to address the change in area traffic. The commenter also takes issue with the traffic studies completed, particularly how they assume that all traffic from the project site would travel north toward La Costa Avenue. The commenter indicates that greater increased traffic congestion would occur for vehicles traveling south to Normandy Avenue and Urania Street, which would present increased safety issues for schoolchildren and parents. The commenter feels that the City should implement improvements to allow for two-way traffic along Piraeus Street that connects directly to Leucadia Avenue.

Response:

Please refer to Master Response 1.

19-2

Comment Summary:

The commenter states that the applicant should be required to underground utilities, particularly because the project would be "far less offensive visually" as a result.

Response:

Refer to Master Response 4. As discussed in Section 3.1, Aesthetics, of the EIR, overhead utility poles are present in the visual landscape under existing conditions. Therefore, the project would not result in development that would adversely affect scenic views along the I-5 corridor, La Costa Avenue, or otherwise adversely affect existing scenic views or resources within the surrounding area in this regard.

From: Yale Jallios <yale@yalejalliosdesign.com>
Sent: Sunday, February 5, 2023 9:32 AM
To: Nick Koutoufidis
Subject: Piraeus Point EIR response

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Encinitas Planning Staff,

In Response to Piraeus Point EIR these are my concerns and comments:

1. Safety: Safety as it relates to TRAFFIC has not been addressed and this will result in injuries or worse in a neighborhood where many children walk to school. The report determines that traffic will be significantly affected, and that it is unavoidable. This is NOT a safe approach to SIGNIFICANT traffic increase in the area. This project should not be approved without a comprehensive city spending plan to actually address the traffic changes. Further, the studies done assume that all the traffic from the development will drive north to La Costa Ave. This is NOT the case. Many people will try to take a less busy drive south to Leucadia Blvd and cross the highway there to the business and restaurant center of Leucadia. A Major traffic increase heading SOUTH will occur. The current flow of traffic south to Normandy and down Urania is already maxed out at school drop off hours and work traffic. It has speed bumps (which are necessary for safety) and very unsafe sidewalks that do not allow strollers to even make it the whole way without going in the street. Allowing the city planners and the developer to move forward without creating a better path south by car using Piraeus to connect directly to Leucadia Blvd from the North should not be allowed. Routing all that traffic through Urania and Normandy is not safe for kids walking to school at Capri or for parents picking them up. The Encinitas community plan for traffic is VERY clear that safety is the main focus. The City Planning Commission and all its individual members would be directly responsible for any injuries or deaths resulting from overloading Urania and Normandy with south bound or north bound traffic. Not to mention Saxony as well, as many new home owners would cut through there to get to Stater Bros and Walmart daily. I have seen bad planning result in child deaths in San Diego in Clairemont. Poor planning lead to many street parked cars and blind corners. Higher density without a real pedestrian protection plan was the cause of this. Please consider full 2-way traffic on Piraeus south to connect to Leucadia Blvd.

2. Undergrounding the utilities for the project should be mandated. The city has the right and the power to demand that all power and utilities be underground to make this development far less offensive visually. All forward thinking cities are making this request of developers on new projects, we should not be an exception because the developer wants to save money.

3. The city is considering granting an exception to the steep hillside land use code and possibly allowing the developer to cut into 40% slope areas and use that area to count toward density. I think it would be best for these steep hillsides to not grant this exception. The city could offer 25 units per "code buildable" acre and satisfy state requirements. This would reduce the buildable acreage of the lot and the number of units slightly. The developer could build 25 units per acre based on the new adjusted area excluding the steep hillsides.

Finally, I urge the City Planning Commission members to really consider the changes that 900 more cars per day heading south and north through the neighborhoods will have on the safety of kids walking to school and to the Park. This is a real problem that is being ignored by this report and by the City Staff. In addition, the huge influx of new children to Capri elementary will require a fast-track construction plan and City spending plan to build new classrooms and amenities for all the new kids who go to this school.

1

19-1

19-2

19-3

19-4

19-3

Comment Summary:

The commenter feels that the applicant should not be granted an exception to encroach into 40 percent steep slope areas. The commenter suggests that instead, the City allow 25 units per "code buildable" acre, which would reduce the buildable acreage onsite and the proposed number of units, thereby preventing encroachment into steep slope areas.

Response:

Refer to Master Response 4. The waiver requested for the project is necessary because the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project's ability to provide for deed-restricted affordable housing onsite. Such a request is consistent with allowances under State Density Bonus Law which supersedes local zoning regulations for Housing Element projects.

19-4

Comment Summary:

The commenter expresses safety concerns for children walking to school and the park due to the increase in traffic on local roadways that would result with project implementation. The commenter feels that the City needs a "fast-track construction plan" and spending plan to address the increase in classrooms and amenities that would be needed at Capri Elementary School. The commenter notes that they are a parent who is "overwhelmed by the speed and frequency of traffic on Urania Ave."

Response:

Please refer to Master Responses 1 and 2.

I am a parent with 2 boys and we are already overwhelmed by the speed and frequency of traffic on Urania Ave. Please consider my comments.

If the goal is to create lower income housing, let's do that in a safe way which is aligned with the City's stated goals for safety. Let's not ignore this aspect.

Thank you,
Yale Jallos

YALE JALLOS DESIGN

C: 619.623.2901

yalejallosdesign.com

19-4
cont'd
19-5

19-5

Comment Summary:

The commenter states that public safety and the City's goals should not be ignored in the City's goal to provide more low-income housing.

Response:

This comment is made in conclusion does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Dennis Kaden

1611 Caudor St.

Encinitas CA

February 6, 2023

Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Here are my comments regarding the draft EIR. Thank you in advance for considering them and assuring they be intelligently addressed by Lennar and the City of Encinitas.

Encinitas’s General Plan states specific policies to protect the character of neighborhoods and to prevent urbanization, while protecting sensitive bluffs and hillsides. The EIR does not speak to any enforcement of these policies and how enforcement would impact the design and bulk of the project. The draft EIR needs to identify how the project would look with virtually all our General Plan Land Use policies being enforced.

2 . 1 . 1. Protect our natural resources such as lagoons, watershed, riparian, and wildlife habitat, natural vegetation, bluffs, and hillsides for our lives, our children’ s lives and future generations.

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

2 . 1 . 3. Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

2 . 1 . 4. Preserve our community’ s zoning and property rights in perpetuity, if we so choose. This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection of the community’ s shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

20-1

20-2

20 Dennis Kaden

20-1

Comment Summary:

The commenter thanks the City for ensuring that the concerns raised will be properly addressed by the applicant and the City.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

20-2

Comment Summary:

The commenter states that the EIR should address consistency with the General Plan, specifically how the enforcement of its policies would impact the design and bulk of the project as proposed. The commenter includes references to several General Plan policies related to the protection of natural resources; community character; infrastructure and public services; and zoning and property rights..

Response:

Refer also to Master Response 4. The City will evaluate project consistency with the City’s General Plan goals and policies when determining whether to approve the project as proposed.

DO NOT CUT INTO STEEP SLOPES

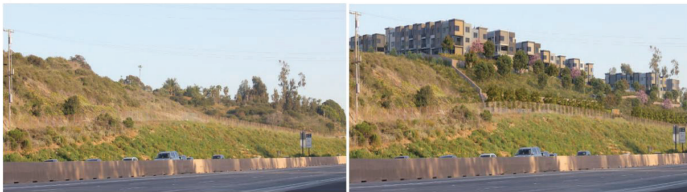
The site is within the visual corridor. The steep slopes should not be cut into. The draft EIR considers them being cut into without regard. The draft EIR should also consider the ramifications of not cutting into the steep slopes, and what that would mean for the project. It needs to be re-addressed. Why was it not considered as an option? Why was Coastal Act section 30251 ignored?

Resource Management Element

Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation natural slopes of 25% grade and over other than manufactured slopes. Please enforce this policy and do not encroach or cut into the steep bluffs, nor allow the removal of 60,000 cubic yards of soil.

Resource Management Policy 13.1: The City shall plan for types and patterns of development which minimize water pollution, air pollution, fire hazard, soil erosion, silting, slide damage, flooding and severe hillside cutting and scarring. NOTE: Minimize hillside cutting.

The Act also requires protection of views and to minimize alteration of natural landforms, to be visually compatible with the character of surrounding areas. Does this image look as it is compatible with the surrounding area? The entire Scenic Visual I-5 Corridor looks as the image on the left, not with high density three story buildings as on the right. The visual corridor needs its protections and limitations on development to be considered and honored. Ask the draft EIR to address this.



A 40 percent encroachment into the bluff should be denied. It totally removes virtually all the slope and 60,000 cubic yards of soil. It eliminates any natural slope and sensitive biologicals. It is an obliteration to the site and requires excessive grading. It violates the Sixth Cycle Housing Element Goal 2.7. and the EIR ignores section 30251 of the Coastal Act. You cannot, in good conscience, approve cutting into the slope and allow for this severe, site destructing grading and should reevaluate its results based on enforcing 30251 and deny this project site as useable for this project.

This project screams to be a biological/environmental preserve.

I take exception to the wording of this sentence: and it is found that the bulk and Piraeus Point scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. The structure (i.e. project) is actually MAXIMIZING every inch of the property for

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Comment Summary:

The commenter asserts that the project should not cut into steep slopes due to the site's location within a visual corridor. The commenter states that the EIR needs to address the consequences of not encroaching into steep slopes and why this was not proposed as a potential option. The commenter also states that Coastal Act Section 30251 was disregarded. The commenter identifies several policies from the Resource Management Element of the General Plan that refer to inland bluffs and hillside grading.

Response:

Refer to Master Response 4.

20-4

Comment Summary:

The commenter questions the project's adherence to the Coastal Act, relative to the protection of views and minimizing alteration of natural landforms. as the commenter asserts that the project would not be compatible with the surrounding area (particularly as seen from I-5). The commenter asks that the EIR address protections to the visual corridor and limitations on development.

Response:

Refer to Master Response 4.

20-5

Comment Summary:

The commenter raises concerns regarding the proposed encroachment into steep slopes, particularly how this would impact natural slopes and sensitive biological resources. The commenter feels that the project does not comply with Housing Element Goals and that the EIR does not consider Section 30251 of the Coastal Act. The commenter also believes that the project site should instead be a biological/environmental preserve.

DO NOT CUT INTO STEEP SLOPES

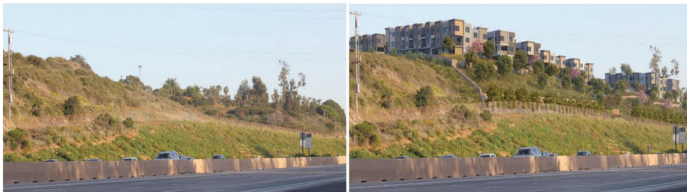
The site is within the visual corridor. The steep slopes should not be cut into. The draft EIR considers them being cut into without regard. The draft EIR should also consider the ramifications of not cutting into the steep slopes, and what that would mean for the project. It needs to be re-addressed. Why was it not considered as an option? Why was Coastal Act section 30251 ignored?

Resource Management Element

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The Act also requires protection of views and to minimize alteration of natural landforms, to be visually compatible with the character of surrounding areas. Does this image look as it is compatible with the surrounding area? The entire Scenic Visual I-5 Corridor looks as the image on the left, not with high density three story buildings as on the right. The visual corridor needs its protections and limitations on development to be considered and honored. Ask the draft EIR to address this.



A 40 percent encroachment into the bluff should be denied. It totally removes virtually all the slope and 60,000 cubic yards of soil. It eliminates any natural slope and sensitive biologicals. It is an obliteration to the site and requires excessive grading. It violates the Sixth Cycle Housing Element Goal 2.7. and the EIR ignores section 30251 of the Coastal Act. You cannot, in good conscience, approve cutting into the slope and allow for this severe, site destructing grading and should reevaluate its results based on enforcing 30251 and deny this project site as useable for this project.

This project screams to be a biological/environmental preserve.

I take exception to the wording of this sentence: and it is found that the bulk and Piraeus Point scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. The structure (i.e. project) is actually MAXIMIZING every inch of the property for

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Response:

Refer to Master Response 4. As described in EIR Section 3.4, Biological Resources, mitigation measures are proposed to reduce potential impacts on sensitive biological species to less than significant. The site was identified in the City's Housing Element Update as intended for residential development in achieving State mandated housing goals and is therefore considered an appropriate location for the proposed project, which includes preservation of the northern parcel as undeveloped land in perpetuity.

20-6

Comment Summary:

The commenter asserts that the project is maximizing use of the site for development rather than minimizing building space to the extent possible, as indicated in the EIR. The commenter feels that the project does not provide spaces for children to play, a sufficient amount of parking, or enough open space. The commenter asks for further explanation as to why the project requires 40 percent encroachment into steep slopes when the EIR states that the project would preserve the "maximum contiguous area of sensitive slopes."

Response:

Refer to Master Responses 1 and 4.

The project has been designed to meet the City's recreational open space requirements via the provision of rooftop decks and the on-site pool/spa/gathering space and community paseo (required open space = 300 square feet/unit; proposed open space = 343 square feet/unit). The project as designed therefore meets the City's minimum requirements for the provision of both private and public open space for the applicable zone and is further subject to discretionary review to ensure that such requirements are met. The provision of open space and play areas for children is not a topic of concern requiring analysis pursuant to CEQA; no further response is required in this regard.

Preface and Responses to Comments

buildings only. There are no sensible places for children to play together, i.e. kick a soccer ball, throw baseball/football/frizz bee, swing set, monkey bars, nor adequate parking, nor open spaces on land. Please explain why, if they are asking for 40% of the steep slope to be cut into, the idea of 'the maximum contiguous area of sensitive slopes shall be preserved' makes logical sense? Sounds the opposite to me.

CA Coastal Act section 30251

Views and local character are protected by the Coastal Act (30251):
The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Unfortunately, the city council was given inaccurate information regarding this site during the 2018 selection process. Cannon 2 was presented as being 6.9 useable acres with slopes being less than 25%. The draft EIR demonstrates that the steep slopes are in fact 25% or more, lies within the Scenic Visual Corridor, limited to only 4+ buildable acres, with constraining wildlife mitigating measures. That should make for a new decision regarding this property. The council would not have chosen this sensitive site if it had accurate information. Remember the vote of Encinitas residents denied all the R-30 sites. Why not remove this site from the Housing Element and let it be preserved.

Underground the Utilities:

Policy 4.12 Encourage undergrounding of utilities within street rights-of-way and transportation corridors.

The draft EIR needs to include results of fulfilling the undergrounding of utilities.

A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property (one dwelling unit per lot). This policy shall not apply to construction of roads of the City's circulation element, except to the extent that adverse impacts on habitat should be minimized to the degree feasible.
Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2, brush clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance (Coastal Act/30240/30250/30251/30253).

Public Safety Element

Policy 1.2: Restrict development in those areas where slope exceeds 25% as specified in the Hillside/Inland Bluff overlay zone regulations of the zoning code.

20-6
cont'd

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20-7

Comment Summary:

The comment provides language from Section 30251 of the Coastal Act.

Response:

This comment does not raise a specific environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required. Refer also to Master Response 4.

20-8

Comment Summary:

The commenter asserts that the City Council was not provided accurate information regarding the subject site in 2018, specifically regarding the percentage of onsite steep slopes, the site's location within the Scenic Visual Corridor, the buildable acres of the site, and wildlife constraints. The commenter asserts that the City should reassess whether to include the project site as a Housing Element site and feels the site should instead be preserved.

Response:

Refer to Master Response 4. The project as proposed has been designed in conformance with applicable local and State regulations for the protection of visual and biological resources and relative to engineering design requirements and allowances. Prior determinations made by the City are not environmental concerns pursuant to the provisions of CEQA, nor are they relevant to the adequacy of the EIR. No further response is required.

20-9

Comment Summary:

The commenter indicates that the EIR should include "results of fulfilling the undergrounding of utilities" and provides language from the General Plan.

Response:

Refer to Master Response 4.

Encroachment into slopes as detailed in the Hillside/Inland Bluff overlay may range from 0 percent to a maximum of 20 percent, based on a sliding scale of encroachment allowances reflective of the amount of the property within steep slopes, upon the discretionary judgement that there is no feasible alternative siting or design which eliminates or substantially reduces the need for such encroachment, and it is found that the bulk and Piraeus Point scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved. Within the Coastal Zone and for the purposes of this section, "encroachment" shall constitute any activity which involves grading, construction, placement of structures or materials, paving, removal of native vegetation including clear-cutting for brush management purposes, or other operations which would render the area incapable of supporting native vegetation or being used as wildlife habitat. Modification from this policy may be made upon the finding that strict application of this policy would preclude any reasonable use of property (one dwelling unit per legal parcel). Exceptions may also be made for development of circulation element roads, local public streets or private roads and driveways which are necessary for access to the more developable portions of a site on slopes of less than 25% grade, and other vital public facilities, but only to the extent that no other feasible alternatives exist, and minimum disruption to the natural slope is made. Policy 1.2 amended 5/11/95 (Reso. 95-32)

Again, I kindly take exception to the wording of this sentence: *and it is found that the bulk and Piraeus Point scale of the proposed structure has been minimized to the greatest extent feasible and such encroachment is necessary for minimum site development and that the maximum contiguous area of sensitive slopes shall be preserved.* The structure (project) is actually MAXIMIZING every inch of the property for the buildings. There is NO leftover sensible space for children to play together, does not provide adequate parking, nor any reserved quiet open space on land. Please explain why, if they are asking for 40% of the steep slope to be cut into, the idea of 'the maximum contiguous area of sensitive slopes shall be preserved' makes logical sense and cutting into slopes should be denied, correct?

Air Quality:

Piraeus Point Townhomes is in Non-Attainment Ambient Air Quality Area.

How will the PP buyers be made aware of this permanent negative condition of living and breathing cancer causing fumes 24/7? As stated in the draft EIR: *Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established SDAPCD excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant impact (Ldn Consulting, Inc. 2022b)*

STANDARDS OF SIGNIFICANCE

Thresholds of Significance

The State of California has developed guidelines to address the significance of air quality impacts based on Appendix G of the CEQA Guidelines.

20-10
cont'd

20-11

20-10

Comment Summary:

The comment includes language from the Public Safety Element of the General Plan relative to restricting development in areas of steep slope in the Hillside/Bluff overlay zone. The comment reiterates previous concerns as described in Comment Summary 20-6.

Response:

Please refer to Response 20-6.

20-11

Comment Summary:

The commenter asserts that the project site is located in a non-attainment ambient air quality area and questions how residents of the project site would be notified of the potential cancer risks associated with exposure to suspended diesel particulates from I-5. The comment includes language from Section 3.2, Air Quality, of the EIR regarding onsite cancer risks and associated mitigation measures. The commenter requests that the EIR address whether onsite windows would remain closed and feels that odors within onsite residences may occur under such conditions. The commenter also asks that the EIR mention the risks associated with not replacing MERV-16 filters as recommended.

Response:

Please refer to Response 10-8.

Preface and Responses to Comments

The proposed project would have a significant impact related to air quality if it would:
 Conflict with or obstruct the implementation of the applicable air quality plan.
 Expose sensitive receptors to substantial pollutant concentrations.
 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.
 Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.

3.2 Air Quality: Pages 16 & 17 The project site is located adjacent to I-5 between the off ramp of La Costa Avenue and Leucadia Boulevard. According to Caltrans, annual average daily trips (ADT) on I-5 are 213,000 ADT. Based on this data, I-5 would generate 0.0013 grams/second of diesel particulates over the modeled segment (Ldn Consulting, Inc. 2022b). Detailed EMFAC Model and Normalization calculations are provided in Attachment B of Appendix C-2.

Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established SDAPCD excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant impact (Ldn Consulting, Inc. 2022b). Refer also to Table 2: Cancer Risk at Worst-Case Outdoor Receptors (Unmitigated) of Appendix C-2.

In a study funded by CARB, the Lawrence Berkeley National Laboratory found that installation of Minimum Efficiency Reporting Value (MERV) 16 filtration on a supply ventilation system reduced PM2.5 by 96-97 percent and ultrafine particles (UFP) by 97-99 percent relative to outdoors (Ldn Consulting, Inc. 2022b) and such filters are therefore recommended for homes with exposure to higher levels of PM2.5.

To ensure that levels for the proposed residential units remain below significance thresholds, mitigation measure AQ-1 would require installation of MERV-16 filtrations systems within each proposed residence to reduce potential indoor levels of PM2.5.

Detailed descriptions of the mitigated cancer risk using MERV 16 filtration are included in Table 3: Cancer Risk at Worst-Case Indoor Receptors (Mitigated with MERV 16) of Appendix C-2.

Impacts would be less than significant with mitigation incorporated.

Mitigation Measures:

AQ-1 Install MERV-16 Filters Within Homes. During project construction, MERV-16 filtration systems shall be installed within each residence.

Level of Significance: Less than significant with mitigation incorporated.

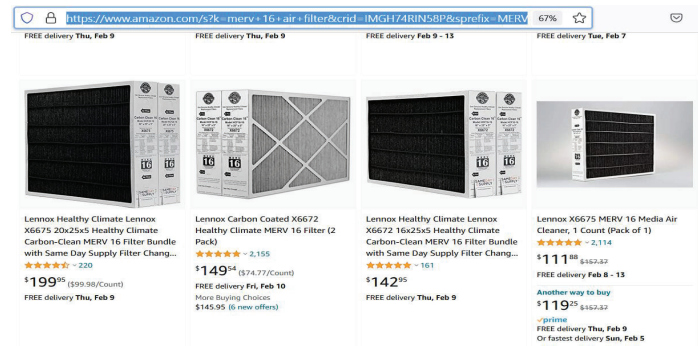
Due to constant high noise levels generated from the I-5 Freeway, easterly winds, and site located less than 200 meters from the freeway, it is highly probable that windows will be closed at all times. Can the draft EIR confirm this is probable?

The windows proposed for the Clark Apartments on its freeway facing side will be impossible to open. Permanently shut. Odors generated and contained within the Piraeus Point residences, despite the use of sophisticated MERV 16 air filters, may well be in the realm of mimicking an NBA/NFL locker room over time (humor intended).

The draft EIR states the air quality must be mitigated with use of MERV 16 air filters. The draft EIR does not cover the risks involved from improper replacement intervals of these MERV 16 filters. Have the EIR address this situation. The few MERV 16 manufacturers and American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) [see www.ashrae.org] recommend replacement every six months, including a warning for assuring proper fit to eliminate air flowing above/below the filter element, rendering it virtually useless.

20-11
cont'd

These MERV 16 filters are considerably higher in cost to homeowners than most furnace/AC air filters. Where does the draft EIR calculate what that annual expense will be, especially for the very low income resident? It should be clearly noted, as very low income residents may not feel the need, nor be able to financially purchase new filters on the recommended replacement schedule due to cost, and therefore endanger themselves and family members to the pollutants the draft EIR states is significant.



MERV 16 air filters are a vitally important mitigating device, or this project could not move forward. MERV 16 filters must be maintained/replaced often. Please ask the draft EIR to include a notification alert to prospective townhome buyers of this mitigating device, its annual cost and the danger of not replacing accordingly. How do the residents of Piraeus Point get notified of this important issue?

2.0 Project Design

Transportation Demand Management (TDM) Program

The project would also implement a Transportation Demand Management (TDM) program to reduce automobile trips, both internal and external to the community. TDM measures proposed for the project include the following:

- "Implement Electric Bikeshare Program" - Electric bikeshare programs provide users with on-demand access to electric pedal assist bikes for short-term rentals to encourage a mode shift from vehicle use to electric bicycles. The project applicant would work with the City and its bikeshare vendor to expand this program into the project area.

- "Provide Community Based Travel Planning" - The project's homeowners association (HOA) would provide alternative modes of transportation information to residents and tenants as a part of the "new resident" or "new tenant" package. The HOA would also provide residents with transit schedules within the area, and alert residents when new transit services are added or when services are charged. The HOA would also act as a travel advisor, providing new residents and tenants with information regarding how members of households can travel in alternative ways that meet their needs.

This HOA information is almost insulting to us. Sounds so helpful, but it's not. There are no transit facilities nearby for this information to be of benefit. Shall we agree that virtually all PP residents will have one or two motor vehicles at least?

20-12

Comment Summary:

The commenter provides discussion regarding the costs of MERV-16 filters for homeowners, particularly for very low-income residents. The commenter feels that the EIR should include a "notification alert" for prospective residents of the project site as well as information regarding annual costs associated with replacing filters and the dangers of not replacing filters per the recommended schedule.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. Required notifications or disclosures would be provided in conformance with applicable local or State requirements. Economic concerns, such as the cost of replacing the MERV filters, does not require evaluation under CEQA. No further response is required.

20-13

Comment Summary:

The commenter provides language from the EIR regarding the proposed Transportation Demand Program. The commenter asserts that the requirement for the HOA to provide information on public transit options pursuant to the proposed TDMs is unhelpful due to the absence of transit facilities in the project vicinity. The commenter questions where bike share racks and kiosks would be located onsite, how bikes would be recharged, and how much land the bike share program would require. The commenter also asserts that almost all residents would have at least 1-2 vehicles.

Response:

As evaluated in EIR Section 3.12, Transportation, TDMs relative to providing community based travel planning and implementing a bikeshare program are identified in CAPCOA's GHG Handbook as acceptable measures for reducing vehicle miles traveled. Although such measures are considered feasible and would be implemented, no VMT reductions were assumed due to existing conditions or other uncertainties.

20-12

20-13

Preface and Responses to Comments

The map does not show any space available for bike share racks/kiosks. Where are they to be located on the property? How recharged? How much more land space consumed?	20-13 cont'd
Transportation: The main entrance/exit to the project should have a much wider 'delta' at Piraeus. Vehicles making left hand turns onto Piraeus southbound can stack up and block vehicles turning right onto Piraeus. A wider entry/exit would prevent this back-up. Please have this added to the draft EIR as a circulation solution.	20-14
The EIR should re-address the increased traffic generated from this project. As it was initially surveyed during COVID restrictions, which severely reduced trip counts, now would be a better time to get more realistic numbers. What impact does Piraeus Point have on Normandy and Urania? What impact does Piraeus Point have on Plato, both Caudors, Capri Road, and Gascony? A separate survey should be taken during Capri Elementary peak drop off and pick-up times for each of these streets.	20-15
Parking: Though the project is compliant with current Encinitas Ordinance 2021-12, providing 197-256 spaces, it would be far from compliant if under the former Encinitas Code 30.54.030 for parking, requiring 365 spaces. Our city Planners need to acknowledge the obvious need for more parking spaces on site for this project. The project is woefully lacking adequate parking for its resident's from "day one". As time progresses, couples have children, and children grow to adults who also drive vehicles. There is no parking for future growth on the site. There is hardly sufficient parking for guests on 'day one'. There is no draft EIR information speaking of the quality of life at Piraeus Point with such an insufficient amount of parking. The vehicles must go somewhere, and the draft EIR lacks details where that somewhere is. Please ask for a review of this condition. The Piraeus Point resident's mental health may be at risk, as the risks associate with parking on neighboring streets and the safety issues that condition generates.	20-16
Enforce undergrounding of utilities and allow the dedicated utility easement as useable space for much needed parking. Would that make better sense? Why would the City make a policy asking builders to underground utilities, Coastal Act 4.12, and then waive that requirement without substantial benefit to the community? Staff should recommend denial of waiver and insist on undergrounding of utilities. That would be a win for the PP residents and the neighboring community.	
Right-of Way Vacating: The street vacations of .25 acres and .71 along Plato and Piraeus respectively are too much a land give-away. What is <u>our benefit</u> for this vacated land? Please explain. Where has this been done before in Encinitas? What prevents the parking of vehicles on the city's right-of-way? Where is the anticipated enforcement procedure?	20-17
Trees: Why vacate anyway? Have Lennar fulfill their obligation of planting the 30 trees per acre (or other amount required) on the project site. The city should plant their own trees/vegetation on its right-of-way. Why allow Lennar to use the on-site space to maximize buildings and not do as required and plant the 30 trees per acre? Please explain?	20-18

The applicant would work with the City and its bikeshare vendor to expand the electric bikeshare program to the project site. Operational details would be determined at that time; such details do not require identification or consideration in the EIR at this time pursuant to CEQA.

20-14

Comment Summary:

The commenter asserts that the proposed main entrance/exit along Piraeus Street should be widened to prevent queueing on Piraeus Street and asks that this circulation solution be incorporated into the EIR.

Response:

Refer to Master Response 1. All project circulation improvements would conform with City engineering design requirements to ensure safe ingress/ egress. No further analysis of design alternatives in the EIR is necessary pursuant to CEQA requirements.

20-15

Comment Summary:

The commenter asserts that the EIR should re-evaluate increased traffic generated by the project, indicating that traffic counts were taken during pandemic restrictions. The commenter requests that additional surveys be conducted to determine impacts on Normandy Road, Urania Avenue, Plato Place, Caudor Street, Capri Road, and Gascony Road, including a separate analysis of impacts during peak pick up and drop off times at Capri Elementary School.

Response:

Please refer to Master Response 1.

20-16

Comment Summary:

The commenter asserts that, while the project complies with Encinitas Ordinance 2021-12, an insufficient amount of parking is proposed for the project. The commenter asserts that the project would not provide adequate parking from "day one" and as population of the site increases

The map does not show any space available for bike share racks/kiosks. Where are they to be located on the property? How recharged? How much more land space consumed?

Transportation:

The main entrance/exit to the project should have a much wider 'delta' at Piraeus. Vehicles making left hand turns onto Piraeus southbound can stack up and block vehicles turning right onto Piraeus. A wider entry/exit would prevent this back-up. Please have this added to the draft EIR as a circulation solution.

The EIR should re-address the increased traffic generated from this project. As it was initially surveyed during COVID restrictions, which severely reduced trip counts, now would be a better time to get more realistic numbers. What impact does Piraeus Point have on Normandy and Urania? What impact does Piraeus Point have on Plato, both Caudors, Capri Road, and Gascony? A separate survey should be taken during Capri Elementary peak drop off and pick-up times for each of these streets.

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Enforce undergrounding of utilities and allow the dedicated utility easement as useable space for much needed parking. Would that make better sense? Why would the City make a policy asking builders to underground utilities, Coastal Act 4.12, and then waive that requirement without substantial benefit to the community? Staff should recommend denial of waiver and insist on undergrounding of utilities. That would be a win for the PP residents and the neighboring community.

Right-of Way Vacating:

The street vacations of .25 acres and .71 along Plato and Piraeus respectively are too much a land give-away. What is our benefit for this vacated land? Please explain. Where has this been done before in Encinitas? What prevents the parking of vehicles on the city's right-of-way? Where is the anticipated enforcement procedure?

Trees: Why vacate anyway? Have Lennar fulfill their obligation of planting the 30 trees per acre (or other amount required) on the project site. The city should plant their own trees/vegetation on its right-of-way. Why allow Lennar to use the on-site space to maximize buildings and not do as required and plant the 30 trees per acre? Please explain?

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cont'd

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over time. The commenter requests that the EIR address where overflow parking would occur and expresses concern for residents of the project site who will need to park on neighboring streets. The commenter also asserts that the City should deny the requested waiver that would exempt the applicant from undergrounding of utilities and instead allow use of the dedicated utility easement space for additional parking.

Response:

Refer to Master Responses 1 and 4. Surface parking is not a valid use within a utility easement which would be dedicated to and maintained by the service provider.

20-17

Comment Summary:

The commenter asserts that the proposed street vacations along Piraeus Street and Plato Place would "give away" land and questions what the public benefit of such actions is. The commenter also inquires as to what prevents vehicles from parking in the City's right-of-way and what the enforcement procedure is.

Response:

Refer to Master Response 1 regarding parking. The requested street vacations are an allowed provision for the project with City approval; the intent of a street vacation is not to provide public benefit.

20-18

Comment Summary:

The comment requests that the applicant be required to plant 30 trees per acre (or other specified amount) on the project site allowing the City to instead provide landscaping within the right-of-way.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

<p><u>Senior-Handicapped Unfriendly:</u> Federal law requires the site shall have 2% of parking as handicapped/van accessible. The project does not meet this requirement. Please assure they are fully compliant. Where is the van accessible parking space? How would a wheel chair traverse the hilly sidewalks? Please have the EIR address these special need conditions and conform to the regulations.</p>	20-19
<p><u>Solar:</u> Please have the draft EIR actually state the size of solar panels, position on roof top, efficiency and power gathered/produced and what that means as a worthwhile utility. How will they not be in the way of residents gathering on their roof top patios?</p>	20-20
<p><u>Misinformation during selection process:</u> The initial information provided to the city during the R-30 site selection process was inaccurate. A bad decision was made based on that bad information. Regarding Cannon 2, it was stated: “THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE. THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED.”</p> <p>The draft EIR states a very different condition. There are surely steep slopes of 25% or more that are not to be graded, Scenic View Corridor constraints exist, nesting Gnatcatchers are on the property, it has mitigation areas not to be built upon, and cancer causing air quality issues only mitigated by expensive AC air filters. There is not enough on-site parking. The project is not compatible with the existing community, and generates additional traffic that cannot be mitigated, so the neighborhood must endure even worse traffic conditions with no benefit to be gained. There are safety issues for pedestrians, cyclists, and motor vehicles the city and developer must address and correct.</p> <p>The grading & construction impacts will negatively impact the neighboring homeowners. How will the construction dust and truck traffic be mitigated to alleviate neighbor’s quality of life? Where do the construction worker’s park?</p>	20-21
<p>All this negativity to our community, and for what purpose? 15 very low income units? What are our neighborhood’s benefits from this intrusive 149 unit project? Little if any.</p>	20-22
<p><u>Please do not offer any waivers for this project.</u> <u>Please offer no incentives to this project.</u> Please consider denial of this project on the site, and offer Cannon 2 as a Biological Conservation site.</p>	20-23
<p>Thank you again Nick. Regards Dennis Kaden</p>	20-24

20-19

Comment Summary:

The commenter provides parking requirements for accessible spaces per federal standards and asserts that the project does not meet such requirements. The commenter requests that the project comply with federal law pertaining to handicapped/van accessible requirements and that the EIR address such needs.

Response:

Refer to Master Response 1 relative to the provision of parking.

20-20

Comment Summary:

The commenter requests that the EIR state the size, positioning, and efficiency of the proposed solar panels and how the panels would not hinder resident use of rooftop areas.

Response:

The rooftop patios have been designed to accommodate mechanical equipment and/or solar panels while still allowing the project to meet minimum private open space requirements. The project would install solar panels capable of generating up to 149 kilowatts of solar power. Design specifications for incorporating the solar panels would be provided with final improvement plans; such details are not subject to evaluation pursuant to CEQA.

20-21

Comment Summary:

The commenter states discrepancies between information given to the City regarding the site and information included in the EIR, particularly pertaining to steep slopes, Scenic View Corridor constraints, biological constraints, and air quality. The commenter asserts that the project does not provide enough onsite parking, is incompatible with the surrounding community, and would worsen traffic conditions with no public benefits gained. The commenter requests that the applicant and the City to address safety concerns for pedestrians, cyclists, and vehicles.

Senior-Handicapped Unfriendly:

Federal law requires the site shall have 2% of parking as handicapped/van accessible. The project does not meet this requirement. Please assure they are fully compliant. Where is the van accessible parking space? How would a wheel chair traverse the hilly sidewalks? Please have the EIR address these special need conditions and conform to the regulations.

20-19

Solar:

Please have the draft EIR actually state the size of solar panels, position on roof top, efficiency and power gathered/produced and what that means as a worthwhile utility. How will they not be in the way of residents gathering on their roof top patios?

20-20

Misinformation during selection process:

The initial information provided to the city during the R-30 site selection process was inaccurate. A bad decision was made based on that bad information. Regarding Cannon 2, it was stated:

“THERE ARE NO CONSTRAINTS TO DEVELOPMENT TO THIS SITE. THIS SITE IS CURRENTLY PARTIALLY GRADED IN THE SOUTHERN PORTION, PROVIDING GENERAL FLAT GRADED AREA. ADDITIONALLY, ANALYSIS OF THE TOPOGRAPHY SHOWED SLOPES OF LESS THAN 25%. BASED ON MUNICIPAL CODE STANDARDS, NO DEDUCTION OF THE SITE CAPACITY FOR STEEP SLOPES IS REQUIRED.”

20-21

The draft EIR states a very different condition. There are surely steep slopes of 25% or more that are not to be graded, Scenic View Corridor constraints exist, nesting Gnatcatchers are on the property, it has mitigation areas not to be built upon, and cancer causing air quality issues only mitigated by expensive AC air filters. There is not enough on-site parking. The project is not compatible with the existing community, and generates additional traffic that cannot be mitigated, so the neighborhood must endure even worse traffic conditions with no benefit to be gained. There are safety issues for pedestrians, cyclists, and motor vehicles the city and developer must address and correct.

The grading & construction impacts will negatively impact the neighboring homeowners. How will the construction dust and truck traffic be mitigated to alleviate neighbor's quality of life? Where do the construction worker's park?

20-22

All this negativity to our community, and for what purpose? 15 very low income units? What are our neighborhood's benefits from this intrusive 149 unit project? Little if any.

20-23

Please do not offer any waivers for this project.

Please offer no incentives to this project.

Please consider denial of this project on the site, and offer Cannon 2 as a Biological Conservation site.

20-24

Thank you again Nick.

Regards

Dennis Kaden

Response:

Please refer to Master Responses 1 and 4.

20-22

Comment Summary:

The commenter asserts that grading and construction would negatively impact the neighboring homeowners and inquires how dust and traffic generated during project construction would be mitigated and where construction workers would park.

Response:

As described in EIR Section 3.2, Air Quality, of the EIR, project construction would be required to conform to San Diego Air Pollution Control District adopted Rule 55, Fugitive Dust Control which provides measure to control effects of dust emissions on neighboring properties and minimize dust from vehicles on local roadways.

As described in EIR Section 3.12, Transportation, in conformance with City requirements, the project applicant would prepare a traffic control plan to ensure that adequate circulation on surrounding local roadways is maintained during the construction phase. Implementation of the traffic control plan would ensure that no hazardous conditions are created that would interfere with public safety and/or emergency vehicle movement during project construction. It is anticipated that all vehicles and construction equipment would be staged onsite, off of adjacent public roadways.

20-23

Comment Summary:

The commenter asserts that the project does not provide public benefits to outweigh its negative impacts on the community.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

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Thank you again Nick. Regards Dennis Kaden	20-24

20-24 <u>Comment Summary:</u> The commenter asks that the proposed waivers, incentives, and project as a whole be denied. The commenter asks that the City consider preserving the project site as a biological conservation site. <u>Response:</u> Refer to Master Response 4. This comment is in conclusion and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.
--

From: Karen Kaden <kkaden1611@gmail.com>
Sent: Monday, February 6, 2023 4:52 PM
To: Nick Koutoufidis
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21 Karen Kaden

21-1

Comment Summary:

The commenter takes issue with the Housing Element selection process that approved the project site and asserts that a portion of the project site was designated for wildlife and plant preservation. The commenter also feels that investigation of the site was not adequate, as the City showed that the topography of the site is less 25% and does not acknowledge the sensitivity of the project site. The commenter indicates that the assessment was completed via aerial maps, not via a ground survey. The commenter also questions why the property is zoned RR-2.

Response:

The project site is identified as the "Cannon Property (Piraeus) - Site Number 02" in the City's Housing Element. The area proposed for development totals approximately 6.88 gross acres; the offsite portion proposed as a preserve area totals approximately 4.95 gross acres.

The proposed off-site preserve is zoned RR1 (1 dwelling unit per acre maximum) and RR2 (2 dwelling unit per acre maximum). The project site is zoned RR2 with a R-30 overlay zone as part of the City's Housing Element. No changes to the existing land use or zoning are required or proposed to allow for project implementation. As zoned, the City identifies the subject parcels as being anticipated for residential use.

It is unclear by what the commenter is referring to relative to a City investigation of the site that showed that the "topography of the site is less than 25% and buildable" and that an aerial survey was completed rather than a foot survey. The site has been adequately mapped by the project applicant, based upon available data and is considered to be accurate in representing onsite slopes. A steep slopes map has also been prepared to illustrate where onsite slopes exceed 25 percent in No further response to this comment is required.

Preface and Responses to Comments

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21-2

Comment Summary:

The commenter asks the City deny the applicant's request to cut 40 percent into steep slopes. The commenter includes a quote from the City, which indicates that that there are no constraints associated with the development of the site and that steep slopes do not exist on the site, and how this contradicts information provided in the EIR.

Response:

The waiver is being requested by the project applicant as the project exceeds the allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project requires an approximately 40% encroachment into steep slope areas, and without this waiver, the project footprint would be substantially reduced, impacting the project's ability to provide for deed-restricted affordable housing on-site.

The commenter refers to a "City quoted statement" pertaining to onsite topography and grading of steep slopes. It is unclear where this quote is sourced from. The site clearly supports areas of steep slope, and the preliminary grading plan has been subject to the City's discretionary review process. The project is evaluated in the EIR where relevant (e.g., EIR Section 3.1, Aesthetics) for the potential to result in a significant impact. Refer also to Master Response 4.

21-3

Comment Summary:

The commenter feels that grading for the proposed project would be excessive and expresses concerns regarding air quality, human/public health, safety, and wildlife associated with the proposed excavation and removal of dry dirt.

Response:

Potential effects of project grading as proposed have been analyzed in the EIR relative to effect on air quality, public health, and noise, as well as for trips generated during construction. Refer to Master Response 4 and Response 4A-6.

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21-4

Comment Summary:

The commenter asks that the City not approve the proposed waiver to exempt the requirement to underground utilities.

Response:

Refer to Master Response 4.

21-5

Comment Summary:

The commenter requests information regarding the intention of the proposed right of way vacation and asks if the right of way should be vacated "for egress and ingress as an easement."

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. With City approval, an approximately 0.25 acre area of Plato Place and 0.71 acres along Piraeus Street, adjacent to the project boundary, would be vacated. With approval of the vacation, approximately 0.96 acres would be added to the total (gross) acreage of the project site. The applicant is not proposing to vacate the right-of-way "for egress and ingress as an easement," nor is the street vacation intended to provide public benefit.

21-6

Comment Summary:

The commenter asks why the applicant is not planting 30 trees per acre on the project site and feels that the applicant "Should not use the City's right-of-way for planting their obligation and be gifted to build units in place of trees."

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

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21-7

Comment Summary:

The commenter requests information regarding building setbacks for the proposed residences. The commenter notes that the project site is located within the I-5 Scenic Highway Corridor and indicates that as such, efforts should be made to ensure that the project is compatible with the existing community and landscape, including lighting and building colors. The commenter also notes that the site is designated "as a natural landscape inland bluffs in the established scenic views" and asserts that existing community character be maintained.

Response:

The project meets all of the required setbacks of the R-30 overlay zone. Please refer to Master Response 4 pertaining to scenic resources and visual quality. The project has been designed in accordance with applicable zoning and development regulations, such as the provision of building setbacks from the property lines. The proposed development is distanced from I-5 by the existing right-of-way, as well as Piraeus Street, in addition to the proposed landscaped common areas along the Piraeus Street frontage. Proposed landscaping would also continue to visually blend the development into the site and surrounding topography as it matures over time.

As indicated in EIR Section 3.1, Aesthetics, all project lighting would be consistent with the City's lighting standards, which require low-level lighting that would not exceed 0.5 foot-candle levels at the property line; light poles at a maximum height of 18 feet in height; and low-level lighting directed downward via 90-degree cutoffs to reduce light overspill onto adjacent properties and to otherwise reduce potential effects on the City's dark skies; refer also to EIR Appendix B, Lighting Plan.

G. SUSTAINABILITY of this project should have children’s playground, vegetable gardens, dog park and lots of open space for community games.

H. PARKING ONLY IN THIS PROJECT and shall not impact the existing neighborhood.

PIRAEUS POINT (CANNON2 Site). SHOULD NOT BE BUILDABLE ON THIS SITE FOR MANY GREAT REASONS. This site was unfairly chosen in bad taste. The Applicant Lennar is requesting additional incentives and waivers to modify and to alter the land for 149 units - 15 low income to fit on sensitive property.

Thank you & sincerely,
KAREN KADEN 7608059228
161 Caudor st.

21-8

21-9

21-10

21-8

Comment Summary:

The commenter states that the project should provide additional amenities, such as a playground, dog park, green space, and/or a vegetable gardens.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

21-9

Comment Summary:

The commenter expresses concerns regarding onsite parking and potential effects on the surrounding community.

Response:

Please refer to Master Response 1.

21-10

Comment Summary:

The commenter asserts that the project site should not be developed as it was not selected properly, and that the requested incentives and waivers are being used to alter the site, which is a “sensitive property.”

Response:

The comment is in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

February 6, 2023
Nick Koutoufidis
Development Services Department
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

Re: Piraeus Point Comments on EIR
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022;
and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Air Quality

The findings are more focused on the constructions phase, rather the risks connected to daily living at Piraeus Point. According to Appendix C1, the measures of air quality were taken from monitoring stations from Camp Pendleton and Carmel Mountain Ranch. No tests were taken at the Piraeus Point site, which is less than 500 feet away from the I-5 corridor that is in a small valley. Examination of the pollutant levels should have been taken in this unique site.

22-1

Health Risk Screening

Appendix C2 indicates a significant cancer risk from Diesel Particulate Matter at the project site. The report indicates that the risk can be mitigated if residents are not outdoors for extended periods of time, all windows are closed, and all units will have MERV-16 Filters as part of the HVAC system. Are these solutions realistic in a community that has a culture of being outdoors, and the desire to open windows for air circulation? How will the developer provide information to potential residents about the health risks? Who is responsible to closely monitor and maintain the safety systems?

22-2

Byron King
1517 Gascony Road
Encinitas, CA
byronking4@aol.com

CC: Allison Blackwell

22 Byron King

22-1

Comment Summary:

The commenter feels that the findings of air quality assessments address construction impacts more than impacts associated with “daily living” during operation of the project. The commenter notes that air quality measurements were taken from Camp Pendleton and Carmel Mountain Ranch stations and feels that measurements should be taken from the project site itself.

Response:

The measurements referenced were taking from the Camp Pendleton and Carmel Mountain Ranch monitoring stations as such stations are the closest monitoring stations to the project site. This approach represents standard protocol in evaluating potential air quality effects of a project (see also EIR Appendix C-1 for additional explanation). EIR Section 3.2, Air Quality, provides an evaluation of the project’s potential air quality impacts for the construction and the operational phases. A Health Risk Assessment (EIR Appendix C-2) was also performed to evaluate potential health risks to residents due to proximity to I-5 (e.g., “daily living” at the project site) and mitigation identified to reduce potential air quality impacts to a level of less than significant. No further response to the comments provided is required.

22-2

Comment Summary:

The commenter notes the cancer risk for project residents because of exposure to diesel particulate matter. The commenter indicates that Appendix C-2 of the EIR explains that the cancer risk could be mitigated if residents are not outdoors for long amounts of time, close their windows, and install MERV-16 filters. The commenter questions the feasibility of these measures, how the applicant will inform residents about risks, and how safety systems will be monitored and maintained.

February 6, 2023
Nick Koutoufidis
Development Services Department
City of Encinitas
505 S. Vulcan Avenue
Encinitas, CA 92024

Re: Piraeus Point Comments on EIR
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022;
and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Air Quality

The findings are more focused on the constructions phase, rather the risks connected to daily living at Piraeus Point. According to Appendix C1, the measures of air quality were taken from monitoring stations from Camp Pendleton and Carmel Mountain Ranch. No tests were taken at the Piraeus Point site, which is less than 500 feet away from the I-5 corridor that is in a small valley. Examination of the pollutant levels should have been taken in this unique site.

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22-2

Byron King
1517 Gascony Road
Encinitas, CA
byronking4@aol.com

CC: Allison Blackwell

Response:

Appendix C-2 of the EIR (Health Risk Assessment) only proposes installation of MERV-16 as mitigation and does not recommend that residents stay indoors or close their windows. Installation of MERV-16 filters were determined to be appropriate mitigation to ensure that cancer risks for occupants of the proposed residential units remain below significance thresholds. It is anticipated that a disclosure statement would be provided to perspective buyers, prior to home purchase, to inform them of the identified risk and that occupants would be responsible for monitoring and maintaining any filters installed in the individual units over the long term.

Preface and Responses to Comments

From:	mariannek868@aol.com	
Sent:	Tuesday, February 7, 2023 1:50 PM	
To:	Nick Koutoufidis	
Subject:	Fw: Hi, I am responding to the proposed development called Piraeus Point of 149 units. My comments have to do with safety, affordability, pollution, and parking. Safety: Safety can also apply to pollution and parking. The children would have to be...	
CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.		
Hello Nick, I am sending my message again per your request. Hope it goes through this time. MA King		
----- Forwarded Message ----- From: mariannek868@aol.com <mariannek868@aol.com> To: nkoutoufidis@encinitasca.gov <nkoutoufidis@encinitasca.gov> Sent: Monday, February 6, 2023 at 03:42:12 PM PST Subject: Hi, I am responding to the proposed development called Piraeus Point of 149 units. My comments have to do with safety, affordability, pollution, and parking. Safety: Safety can also apply to pollution and parking. The children would have to be monitored by parents if Piraeus remains the street that it is now. This street is a frontage road to the I-5 freeway. Cars ride on it up to 40 miles an hour, I believe. The children would be driven to school? Not a safe road to walk on. And would cars park on this street? Many think so as parking is not adequate within the development. Parents will be worried about their childrens' safety. Pollution from the freeway alone is troubling. Diesel engines of trucks give off most foul elements. Air filtering in homes will not solve this problem alone (must everyone keep windows shut?) Air conditioning is unhealthy, too. Would you choose a home next to a freeway? Lastly, (aside from the fact that the 149 units are too much for the area), these homes, even the "affordable" ones are not affordable. I could say more, but I will limit further response. Thank you, Marianne King 1517 Gascony Road, Encintas, 92024		

23 Marianne King

23-1

Comment Summary:

The commenter indicates that she is resubmitting her comments to the City.

Response:

Comments were received in the commenter’s resubmittal and are addressed below.

23-2

Comment Summary:

The commenter indicates that they have concerns regarding safety, affordability, pollution, and parking. The commenter expresses concerns regarding children safety, as Piraeus Street is dangerous for pedestrians, and feels that parents would be concerned. The commenter also questions if residents of the project site would park on the street due to the insufficient amount of proposed onsite parking.

Response:

Please refer to Master Response 1.

23-3

Comment Summary:

The commenter expresses concerns regarding pollution originating from diesel trucks on the freeway and feels that air filtration within residences would not solve this issue.

Response:

As indicated in Section 3.2, Air Quality, of the EIR, an Air Quality Heath Risk Assessment (HRA) was prepared to evaluate potential health risks to project residents due to diesel particulate matter (DPM) originating from proximity to I-5; refer to EIR Appendix C-2. Based on calculations included in the HRA, cancer risks for project residents resulting from exposure to suspended diesel particulates would exceed the established San Diego

From: mariannek868@aol.com
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To: Nick Koutoufidis
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Hello Nick, I am sending my message again per your request. Hope it goes through this time. MA King

----- Forwarded Message -----

From: mariannek868@aol.com <mariannek868@aol.com>
To: nkoutoufidis@encinitasca.gov <nkoutoufidis@encinitasca.gov>
Sent: Monday, February 6, 2023 at 03:42:12 PM PST

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23-1

23-2

23-3

23-4

Air Pollution Control District (SDAPCD) excess cancer risk significance threshold of 10 per one million exposed and could be considered a significant impact (Ldn Consulting, Inc. 2022). Refer also to Table 2: Cancer Risk at Worst-Case Outdoor Receptors (Unmitigated) of EIR Appendix C-2. Mitigation was identified in the EIR to reduce such impacts to future project residents to a level of less than significant.

23-4

Comment Summary:

The commenter feels that the affordable units proposed as part of the project are not truly affordable.

Response:

CEQA requires an analysis of physical impacts to the environment; it does not require analysis of project costs nor economic impacts. Under CEQA, "[a]n economic or social change by itself shall not be considered a significant effect on the environment" (CEQA Guidelines, Sections 15131 and 15382). Effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)). No further response is required.

From: Lisa Lasch <ldlasch60@gmail.com>
Sent: Monday, February 6, 2023 4:47 PM
To: Nick Koutoufidis
Subject: Attn: Nick Koutoufidis Re case# Piraeus Point multi- 005158-2022, ...

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I am writing on behalf of myself and my family, to express our opposition to the proposed Piraeus Point development. 24-1

Environmental Impact - this proposed development intends to destroy virtually all native vegetation and wildlife. This site is in the Scenic Visual Corridor which has constraints on removing sensitive habitat. Why is it being allowed to grade and destroy native vegetation and wildlife? 24-2

Traffic - Traffic in Encinitas is already awful and this development will just make it worse. In this neighborhood alone traffic from Capri School pick-up and drop-off makes it hazardous to walk or bike. The larger picture is even worse. Leucadia Blvd is a nightmare to travel in the afternoon and early evening, and is going to be negatively impacted by this development, as well as by the Fox Point, and Clark developments. That being said, a bigger concern is the possible need to evacuate in case of an emergency or natural disaster. It would be next to impossible to quickly leave the neighborhood and surrounding area. We are still in a high risk, fire prone area, and if there were a wildfire in the nearby canyons, many people in this area would not be able to evacuate due to the increased number of cars. It's already bad enough. The EIR needs to address the development's traffic impact on Caudor, Capri, Urania, and Normandy. 24-3

Parking - where will the residents park? The developer has not provided sufficient parking for the planned development. Piraeus isn't designed for on-street parking, nor is Plato. Additionally, cyclists of all ages use Piraeus to get to the skate park. The increased amount of cars will create an even more dangerous environment for those cyclists, many of which are young teenagers. 24-4

Utilities - There should not be a waiver given for underground utilities, for any reason. 24-5

This project has so many negatives and points against it, it should not be considered for high density development. It does not fit in this existing neighborhood and we oppose it! 24-6

Sincerely,

Lisa Lasch
Donald Lasch
Kelsey Lasch

24 Lisa, Donald, and Kelsey Lasch

24-1

Comment Summary:

The commenters indicates opposition to the proposed project.

Response:

This comment is introductory and does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

24-2

Comment Summary:

The commenters note that the project site is subject to constraints of the Scenic Visual Corridor and ask why the proposed project is permitted to grade and destroy native vegetation and wildlife.

Response:

Refer to Master Response 4. According to the City's General Plan Housing Element Update, the subject site could be developed with up to 206 base residential units (without application of a Density Bonus). Therefore, the project would be consistent with future development as anticipated in the Housing Element Update for the site. The project also proposes to limit development to the southern parcel (project area) and allow the northern parcel to serve as an offsite preserve area for the protection sensitive biological resources. Mitigation is identified in the EIR to reduce project impacts to biological resources resulting with required grading and construction to a less than significant level.

24-3

Comment Summary:

The commenters indicate that the project would exacerbate existing traffic issues in the area, particularly near Capri Elementary School, causing safety issues for pedestrians and cyclists, and along Leucadia Boulevard, which will be further affected by other projects in the area. The commenter also expresses concerns regarding impacts to emergency

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Utilities - There should not be a waiver given for underground utilities, for any reason. 24-5

This project has so many negatives and points against it, it should not be considered for high density development. It does not fit in this existing neighborhood and we oppose it! 24-6

Sincerely,

Lisa Lasch
Donald Lasch
Kelsey Lasch

evacuation as a result of increased traffic. The commenter feels that the EIR should address impacts of the project on Caudor Street, Capri Road, Urania Avenue, and Normandy Road.

Response:

Please refer to Master Response 1 and Response 7-1.

24-4

Comment Summary:

The commenters assert that the project would not provide enough onsite parking and express concern regarding safety of cyclists due to the increase in traffic on Piraeus Street.

Response:

Please refer to Master Response 1.

24-5

Comment Summary:

The commenters feel that the project should not be exempted from undergrounding utilities.

Response:

Refer to Master Response 4. This comment does not raise an environmental concern pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

24-6

Comment Summary:

The commenters state that the project site should not be utilized for high density development and that the project would not be compatible with the surrounding community.

Response:

Please refer to Master Response 4. The project site is identified as the "Cannon Property (Piraeus) – Site Number 02" in the City's General Plan Housing Element Update and is therefore anticipated by the City for

Preface and Responses to Comments

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Sincerely,

Lisa Lasch
Donald Lasch
Kelsey Lasch

future residential development. Per the R-30 overlay zone that applies to this parcel, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 DU/acre). With the application of density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. The 149 multi-family residential units proposed with the project would therefore be within the allowable unit count.

From: NB Viv <moenievolmaak@gmail.com>
Sent: Monday, January 30, 2023 5:07 PM
To: Nick Koutoufidis
Subject: Comment on public review of Piraeus Point

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January 30, 2023

To Nick Koutoufidis
Development Services Department
City of Encinitas
CA 92024

I am also sending this by regular mail.

Dear Mr Koutoufidis re: Case # MULTI-005158-2022 (and others)

We are Leucadia residents in the neighborhood of the planned Piraeus Point Project and are writing to express some of the concerns that we have about this high density development proposed by the Lennar Homes Group.

25-1

We understand the need for affordable housing in our city but of the 149 proposed homes being built, only 15 of these are for affordable housing. The concessions that have apparently been granted to this development (such as allowing an inadequate number of parking spaces and allowing a request for utilities to remain above seem out of proportion to the affordable housing impact that this will have.

25-2

Other than the aesthetic impact that this is going to have on our sleepy neighborhood where our roads are narrow and barely manage the current traffic, we have some very real concerns about this project.

Our primary concern is the very real safety issue regarding children who will need to get to school and will in all likelihood walk to Capri Elementary from the development. There are no sidewalks and so the danger to kids walking to and from school is very real. At the very least a pedestrian "safe walk to school" should be created to avoid the potential tragedy that can occur and the resultant liability to our city. We understand that all that is being proposed is a walkway on the periphery of the property itself which does not in any way mitigate the inherent dangers of walking to school.

25-3

Our secondary concern is the enormous impact that this project will have both on local street parking and on traffic in the area. We understand that the R30 overlay that has been allowed because of the very few affordable units, means that, on average, each unit will only have 1.5 garage spaces and we should assume that residents and their guests will have to find parking on neighborhood streets (it is not possible to park on Piraeus or Plato which would limit two way traffic) While it is said by Brian Grover that the CC&Rs will require residents to park in their garages and not use them for storage space, how is this going to be enforced? There is also no easily accessible public transport and so it is reasonable to assume that most units will have at least 2 vehicles including the one bedroom units.

25-4

There is already noticeable impact on our local traffic with school drop off and pick up creating traffic jams that often prevent us from reaching our driveway. Traffic on northbound Piraeus trying to turn left onto La

25-2

25 Nicholas and Lorraine Levy

25-1

Comment Summary:

The commenters indicate that they are residents of the Leucadia community and that they have concerns regarding the "high-density" development proposed.

Response:

The comment is introductory and no further response is required. Refer to subsequent comments provided below.

25-2

Comment Summary:

The commenters assert that the concessions that have been granted to the project applicant, such as allowing an inadequate amount of parking and waiving the requirement to underground utilities, are not justified because only 15 of the proposed 149 homes would be offered as affordable housing.

Response:

Please refer to Master Responses 1 and 4. The project would adhere to State Density Bonus Law by providing 15 "very low" income units (affordable to households earning no more than 50 percent of the area median income) which represents approximately 10 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 50 percent increase in unit count), the project is not proposing to utilize Density Bonus Law to increase the unit density onsite.

The project is allowed up to three concessions and unlimited waivers. The project applicant is requesting to use only one waiver and one incentive which are intended to ensure that the project remains feasible and that affordable housing can be provided.

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Subject: Comment on public review of Piraeus Point

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Development Services Department
City of Encinitas
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25-1

We understand the need for affordable housing in our city but of the 149 proposed homes being built, only 15 of these are for affordable housing. The concessions that have apparently been granted to this development (such as allowing an inadequate number of parking spaces and allowing a request for utilities to remain above seem out of proportion to the affordable housing impact that this will have.

25-2

Other than the aesthetic impact that this is going to have on our sleepy neighborhood where our roads are narrow and barely manage the current traffic, we have some very real concerns about this project.

Our primary concern is the very real safety issue regarding children who will need to get to school and will in all likelihood walk to Capri Elementary from the development. There are no sidewalks and so the danger to kids walking to and from school is very real. At the very least a pedestrian "safe walk to school" should be created to avoid the potential tragedy that can occur and the resultant liability to our city. We understand that all that is being proposed is a walkway on the periphery of the property itself which does not in any way mitigate the inherent dangers of walking to school.

25-3

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25-4

There is already noticeable impact on our local traffic with school drop off and pick up creating traffic jams that often prevent us from reaching our driveway. Traffic on northbound Piraeus trying to turn left onto La

25-2

1

25-3

Comment Summary:

The commenters express concern over the aesthetic impacts of the project and the impacts on traffic. Specifically, the commenters feel that the project poses safety issues for children walking to Capri Elementary School from the project site, particularly due to the lack of sidewalks.

Response:

Refer to Master Responses 1 and 4. The commenters do not note specific concerns regarding aesthetic impacts and traffic impacts associated with the project. Potential effects on designated scenic resources or vistas, conflicts with applicable zoning and other regulations governing scenic quality, and adverse lighting and glare effects associated with the proposed project are adequately analyzed in Section 3.1, Aesthetics, of the EIR. Potential transportation impacts associated with the proposed project are adequately analyzed in Section 3.12, Transportation, of the EIR.

25-4

Comment Summary:

The commenters express concern regarding the impacts on parking and traffic in the area and questions whether it is feasible to enforce that onsite private garages be used for parking rather than storage. The commenters also note the lack of easily accessible public transportation in the area.

Response:

Please refer to Master Response 1. Parking is not an issue of environmental concern requiring evaluation pursuant to CEQA. Whether residents would be required to use their garages for parking would be managed by the HOA. The City acknowledges the lack of public transportation in the project area. Measures are identified in EIR Section 3.12, such as providing new residents with information on available area public transit and implementation of an electric bikeshare program, among other measures, to encourage use of such modes of transit.

Costa avenue often make it impossible to turn right resulting in drivers having to wait multiple light changes to make the right hand turn. The fact that Piraeus also does not allow direct access to Leucadia Blvd limits flow and forces vehicles onto residential streets Normandy and Urania, resulting in long delays accessing Leucadia Blvd. It is absolutely without doubt that an extra 300 plus vehicles will impact this already very bad situation. One should also pay attention to the access into our neighborhood for first responders. If traffic is blocked in the event of a fire, earthquake or medical emergency there may be lethal consequences.

There are several other concerns of perhaps lesser importance. Nothing is as important as the safety of our children and it is reasonable and foreseeable that pedestrian accidents are likely to happen unless children can walk safely to school.

We object to the waiver being offered to the developer to allow them to keep utilities above ground. In addition to the aesthetic concerns of above ground utilities, undergrounding them would also potentially provide some extra parking space. We understand that all new construction is obligated to underground their utility access and so it is not unreasonable for Lennar to be held to the same standard.

From a perspective of the nature of our community it is also sad to see no space put aside for children to play in. Rooftop decks do not make for good playgrounds especially when kids want to play with balls or ride bikes.

Finally, does Capri Elementary have the capacity to absorb this many new students? We understand that they are almost full.

Thanking you for your consideration in reading this letter and hoping that the city will do the right thing for the safety and wellbeing of our children.

Yours truly,

Nicholas Levy and Lorraine Levy

25-5
cont'd

25-6

25-7

25-8

25-9

25-10

25-5

Comment Summary:

The commenters express concern over impacts to traffic in the area, particularly increased traffic jams and delays on Leucadia Boulevard. The commenters also raise concerns over traffic blockages impacting first responders in the event of emergencies.

Response:

Please refer to Master Response 1 and Response 7-1.

25-6

Comment Summary:

The commenters again mention concerns regarding the safety of children walking to school from the project site.

Response:

Please refer to Master Response 1.

25-7

Comment Summary:

The commenters feel that allowing the applicants to keep utilities aboveground would result in aesthetic impacts, while undergrounding the utilities would provide more onsite parking.

Response:

Please refer to Master Response 4.

25-8

Comment Summary:

The commenters express concern that the proposed onsite rooftop decks do not provide adequate play space for children.

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Costa avenue often make it impossible to turn right resulting in drivers having to wait multiple light changes to make the right hand turn. The fact that Piraeus also does not allow direct access to Leucadia Blvd limits flow and forces vehicles onto residential streets Normandy and Urania, resulting in long delays accessing Leucadia Blvd. It is absolutely without doubt that an extra 300 plus vehicles will impact this already very bad situation. One should also pay attention to the access into our neighborhood for first responders. If traffic is blocked in the event of a fire, earthquake or medical emergency there may be lethal consequences.

There are several other concerns of perhaps lesser importance. Nothing is as important as the safety of our children and it is reasonable and foreseeable that pedestrian accidents are likely to happen unless children can walk safely to school.

We object to the waiver being offered to the developer to allow them to keep utilities above ground. In addition to the aesthetic concerns of above ground utilities, undergrounding them would also potentially provide some extra parking space. We understand that all new construction is obligated to underground their utility access and so it is not unreasonable for Lennar to be held to the same standard.

From a perspective of the nature of our community it is also sad to see no space put aside for children to play in. Rooftop decks do not make for good playgrounds especially when kids want to play with balls or ride bikes.

Finally, does Capri Elementary have the capacity to absorb this many new students? We understand that they are almost full.

Thanking you for your consideration in reading this letter and hoping that the city will do the right thing for the safety and wellbeing of our children.

Yours truly,

Nicholas Levy and Lorraine Levy

25-5
cont'd

25-6

25-7

25-8

25-9

25-10

25-9

Comment Summary:

The commenters express concern over impacts to the capacity of Capri Elementary School that would result with project implementation.

Response:

Please refer to Master Response 2.

25-10

Comment Summary:

The commenters thank the City for reading their comments and indicate that they hope the City will make the decision to protect the safety and well-being of area children.

Response:

This comment is made in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

From: Sheila Locko <1resource@cox.net>
Sent: Monday, February 6, 2023 5:20 PM
To: Nick Koutoufidis
Cc: Locko - RESOURCE Marketing Associates
Subject: RE: Corrected email re :Piraeus Point EIR comment review: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Hi Nick,

Please see my corrected email for the PP draft comments- I have a painful broken wrist and it is so difficult to send emails.

Just after I sent it to you at 5pm, I did a quick review and realized I had some typos.

Would you be so kind as to replace the email I sent you at 5pm with the corrected one below. I greatly appreciate your help!

Please let me know if this corrected version will go on record- I sent it to you only a few minutes after I sent the first one.

Thank you for your understanding!

Sheila

This communication and any accompanying documents are confidential and privileged, and intended for the sole use of the named recipient(s) only. Any redistribution of this email, content or its attachments in whole or in part to a 3rd party by email or any other means is prohibited under state and federal cyber crime statutes, regulations and laws. If you received this in error, you are to: delete the email and any all contents and any attachments and 2.) confirm this action by return email. Receipt by all recipients is tracked and monitored by 3rd party software.

From: Sheila Locko <1resource@cox.net>
Sent: Monday, February 6, 2023 5:17 PM
To: 'Nick Koutoufidis' <nkoutoufidis@encinitasca.gov>
Subject: Corrected email re :Piraeus Point EIR comment review: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Thank you for the opportunity to comment on the Piraeus Point draft EIR.

Most importantly, we trust that the valid input from so many citizens will be read, thoughtfully evaluated and responded to prior to final EIR.

Often citizen input is just placed in the project file, and not acted upon.

There are common and irrefutable facts that need to be resolved in the draft EIR process – and these issues were referred to, but not adequately resolved in the draft EIR:

26-1

26 Sheila Locko

26-1

Comment Summary:

The commenter thanks the City for the opportunity to comment on the EIR. The commenter indicates that there are issues that were not adequately resolved in the EIR.

Response:

This comment is introductory and does not raise an environmental concern pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

1. An actionable deficiency in this project is Transportation:

This clear and critical flaw in the draft EIR is evidenced in Section 6.1: Significant and Unavoidable impacts:

Quote from the Piraeus Point draft EIR 6.1: *"It is noted this unavoidable impact is primarily a result of the geographic location of the project in a suburban neighborhood. Additionally, no public transit facilities exist within approximately one mile of the project site. Bicycle facilities and sidewalks are generally limited in the project vicinity, and no employment or retail centers are located in the surrounding area. Based on such conditions, vehicle trip lengths tend to be greater, thereby resulting in greater vehicle dependence and VMT required to access jobs, services, goods, and other activities".*

The conclusion is that due to the location of the project in a rural residential neighborhood, transportation is an issue that the draft EIR failed to resolve.

There is no nearby public transit in less than 1 mile, no safe bicycle routes on Piraeus, and no job or retail centers located in the surrounding areas.

Thus residents of Piraeus Point will have to rely on vehicles for their primary source of transportation.

This reliance on vehicle transportation is documented fact in the draft EIR and completely refutes the premise of minimal parking spaces and assuming residents will instead rely on riding a bike or walking a mile for a bus -or more miles to use the coastal train service.

2. Parking: Onsite and offsite parking deficiency needs significant changes before final EIR:

The proposed parking in the complex for residents represents *less than 2 parking spots per UNIT— NOT per person/vehicle*. As this 149 unit complex proposes 1, 2 and 3 bedroom units, it is clear that the project parking plan is inadequate to support parking for the actual number of resident vehicles.

Given the location of this project, alternate forms of transportation such as riding bicycles or walking miles to buses or train transit is not feasible as a viable source of transportation for these residents and their children and elders. (as documented above.)

Not addressed - off street parking is not an option on Plato or Piraeus.

The draft EIR completely fails in resolving this issue of parking/ safety/access.

In essence, where are the residents and guests of this 149 unit complex going to park their vehicles?

3. Traffic/ cumulative effect:

The cumulative effects with current developments and proposed projects were not adequately analyzed. The ADT's were at best minor projections or nonexistent.

This is a flawed and unacceptable cumulative effect of this project.

This is a critical on every level- Noise/emissions/public health and safety, biological integrity and quality of life.

26-2

26-3

26-4

26-2

Comment Summary:

The commenter feels that EIR Section 6.1, Significant and Unavoidable Impacts, is flawed. The commenter states that the reliance on vehicles, as described in the EIR, conflicts with the premise of minimal parking spaces and assuming that residents of the project would rely instead on bicycling or walking at least a mile to use public transit.

Response:

Potential impacts of the proposed project relative to transportation are adequately analyzed in Section 3.12, Transportation, of the EIR. It is unclear what the commenter is trying to indicate, and the commenter does not provide evidence to support the claim that the draft EIR is flawed. The statements provided under Section 6.1 as to why there would be a significant unavoidable impact relative to VMT are valid; refer also to EIR Appendix K for additional discussion. No further response is required.

26-3

Comment Summary:

The commenter feels that the project does not propose enough parking and indicates that bicycling or walking to access public transit from the project site is infeasible. The commenter feels that the EIR does not address the lack of parking available on Plato Place or Piraeus Street nor does it resolve issues of parking/safety/access.

Response:

Please refer to Master Response 1. Onsite parking provided with the project would be adequate to accommodate the parking needs of all residents and their guests and is in conformance with referenced parking standards.

26-4

Comment Summary:

The commenter states that the analysis of cumulative impacts, particularly in regard to average daily trips (ADT), is flawed, and that calculations of ADT were inaccurate. The commenter feels that this issue is critical as it

1. An actionable deficiency in this project is Transportation:

This clear and critical flaw in the draft EIR is evidenced in Section 6.1: Significant and Unavoidable impacts:

Quote from the Piraeus Point draft EIR 6.1: *"It is noted this unavoidable impact is primarily a result of the geographic location of the project in a suburban neighborhood. Additionally, no public transit facilities exist within approximately one mile of the project site. Bicycle facilities and sidewalks are generally limited in the project vicinity, and no employment or retail centers are located in the surrounding area. Based on such conditions, vehicle trip lengths tend to be greater, thereby resulting in greater vehicle dependence and VMT required to access jobs, services, goods, and other activities"*.

The conclusion is that due to the location of the project in a rural residential neighborhood, transportation is an issue that the draft EIR failed to resolve.

There is no nearby public transit in less than 1 mile, no safe bicycle routes on Piraeus, and no job or retail centers located in the surrounding areas.

Thus residents of Piraeus Point will have to rely on vehicles for their primary source of transportation.

This reliance on vehicle transportation is documented fact in the draft EIR and completely refutes the premise of minimal parking spaces and assuming residents will instead rely on riding a bike or walking a mile for a bus -or more miles to use the coastal train service.

26-2

2. Parking: Onsite and offsite parking deficiency needs significant changes before final EIR:

The proposed parking in the complex for residents represents *less than 2 parking spots per UNIT— NOT per person/vehicle*. As this 149 unit complex proposes 1, 2 and 3 bedroom units, it is clear that the project parking plan is inadequate to support parking for the actual number of resident vehicles.

Given the location of this project, alternate forms of transportation such as riding bicycles or walking miles to buses or train transit is not feasible as a viable source of transportation for these residents and their children and elders. (as documented above.)

Not addressed - off street parking is not an option on Plato or Piraeus.

The draft EIR completely fails in resolving this issue of parking/ safety/access.

In essence, where are the residents and guests of this 149 unit complex going to park their vehicles?

26-3

3. Traffic/ cumulative effect:

The cumulative effects with current developments and proposed projects were not adequately analyzed. The ADT's were at best minor projections or nonexistent.

This is a flawed and unacceptable cumulative effect of this project.

This is a critical on every level- Noise/emissions/public health and safety, biological integrity and quality of life.

26-4

relates to noise, emissions, public health and safety, biological integrity, and quality of life.

Response:

Potential impacts of the proposed project relative to transportation, including potential cumulative impacts of the project, are adequately analyzed in Section 3.12, Transportation, of the EIR. The commenter does not provide evidence to support the claim that analysis of the proposed project's cumulative impacts or ADT calculations for the project are inaccurate. The ADT was calculated using a standard number of trips for the proposed land use type (*SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates in the San Diego Region*, April 2002.). No further response is required.

4. Land Use:

Additionally, the Coastal Commission found that (see pages 27-28 of the staff report): "... where development is proposed on slopes greater than 25%, special standards would apply, including that slopes of greater than 25% should be preserved in their natural state and that no principal structure or improvement should be placed, and no grading undertaken, within 25 feet of any point along an inland bluff edge."

This CCC requirement was dismissed in the EIR by stating: "It is worth noting that a deviation from this policy is permitted upon a finding that strict application thereof would preclude reasonable use of the project site."

This methodology is prevalent throughout the EIR.

It seems that the City can override protective measures and allow the developer/applicant Lennar to circumvent them.

The conclusion is evident as the EIR does not adequately justify the inappropriateness of this site for this massive project.

Thank you,

Sheila Locko

26-5

26-6

26-5

Comment Summary:

The commenter refers to a "staff report" that the EIR dismisses the Coastal Commission's requirement restricting development on steep slopes. The commenter asserts that such "methodology is prevalent throughout the EIR" in that the City can override protective measures and allow the applicant to circumvent them.

Response:

Please refer to Master Response 4. It is unclear what "staff report" the commenter is referring to or what the context of the quoted text is. The applicant is allowed certain incentives and waivers under State Density Bonus Law, which are being requested and are not an act of "circumventing" any protective measures.

26-6

Comment Summary:

The commenter states that the EIR does not adequately justify the inappropriateness of the subject site for the proposed project.

Response:

This comment is made in conclusion and does not raise specific environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. Refer to the prior comments above. No further response is required.

From: Encinitas community collective <encinitascommunitycollective@gmail.com>
Sent: Monday, February 6, 2023 3:18 PM
To: 'Frank Matchura'
Cc: Nick Koutoufidis
Subject: RE: Copy & Paste -Last Chance Written Response

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Frank,
You just need to forward this to Nick at
nkoutoufidid@encinitasca.gov
Nick, or can you accept Frank’s comments via this email?
Thank you
ECC

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

This is Frank Matchura at 829 Palaro Dr.

I’ve been in Leucadia since 1972 and there’s been a lot of positive changes. This will definitely be a negative one the traffic alone is going to be ridiculous for anybody trying to get up to school.
How does the EIR address the increased traffic the project will bring to Capri School and its streets?

I am firmly against this and I thank you for the opportunity to respond to your email

27-1

27

Frank Matchura

27-1

Comment Summary:

The commenter indicates that he has been a resident of Leucadia since 1972. The commenter expresses concern regarding increased traffic in the vicinity of Capri Elementary School as a result of the proposed project. The commenter also states opposition to the project.

Response:

Please refer to Master Response 1.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I would like to comment on and protest the Piraeus Point draft EIR. As a resident on Plato and immediate neighbor to the project, I will feel the impact of this project more than most. This space is valuable open space and the proposed development will meaningfully change the character of the surroundings and create visual, logistic and environmental issues.

28-1

The extensive grading and removal of 60,000 cubic yards of earth is an unnecessary destruction of native vegetation and wildlife. When I renovated my home a few years ago, I was hyper-conscious to plant native vegetation all through my ¾ acre lot so I have a keen appreciation of how difficult it is for native plants to establish themselves.

28-2

We have no sidewalks on Plato and there will be none created. The extensive additional traffic on a street heavily used for access to Capri and to Leucadia Blvd. creates significant risk for pedestrians and cyclists. This will exacerbate an existing safety issue. There appears to be insufficient parking as well and the surrounding streets do not have room for street parking. Where will the residents put their extra vehicles that we know they will have.

28-3

All this for 15 low income units? Deny all the waivers and incentives.

28-4

Thank you for your consideration,



Doug Miller

750 Plato Place

Encinitas, CA 92024

28 Doug Miller

28-1

Comment Summary:

The commenter expresses opposition to the proposed project. The commenter indicates that he lives on Plato Place, immediately adjacent to the project site. The commenter feels that the project would alter the characteristics of the surrounding area and would result in “visual, logistic, and environmental issues.”

Response:

Refer to Master Response 4. The commenter does not provide specifics on how the project would result in “visual, logistic, and environmental issues;” refer to subsequent comments provided. This comment does not question the adequacy of the EIR analysis; no further response is required.

28-2

Comment Summary:

The commenter feels that native vegetation and wildlife will be unnecessarily destroyed due to the proposed grading and amount of soil removal and indicates that it will be difficult for the vegetation to regrow.

Response:

The project would be consistent with future development as anticipated for the site in the General Plan Housing Element Update. The project proposes to limit development to the southern parcel (project area) and allow the northern parcel to serve as an offsite preserve area for the protection sensitive biological resources. Mitigation is identified in the EIR to reduce project impacts to biological resources (sensitive vegetation and wildlife) resulting with required grading and construction to a less than significant level. As grading would occur in an effort to accommodate development of the site, the area disturbed would be developed and/or enhanced with ornamental landscaping.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I would like to comment on and protest the Piraeus Point draft EIR. As a resident on Plato and immediate neighbor to the project, I will feel the impact of this project more than most. This space is valuable open space and the proposed development will meaningfully change the character of the surroundings and create visual, logistic and environmental issues.

28-1

The extensive grading and removal of 60,000 cubic yards of earth is an unnecessary destruction of native vegetation and wildlife. When I renovated my home a few years ago, I was hyper-conscious to plant native vegetation all through my ¾ acre lot so I have a keen appreciation of how difficult it is for native plants to establish themselves.

28-2

We have no sidewalks on Plato and there will be none created. The extensive additional traffic on a street heavily used for access to Capri and to Leucadia Blvd. creates significant risk for pedestrians and cyclists. This will exacerbate an existing safety issue. There appears to be insufficient parking as well and the surrounding streets do not have room for street parking. Where will the residents put their extra vehicles that we know they will have.

28-3

All this for 15 low income units? Deny all the waivers and incentives.

28-4

Thank you for your consideration,



Doug Miller

750 Plato Place

Encinitas, CA 92024

28-3

Comment Summary:

The commenter feels that existing safety concerns for pedestrians and cyclists, due to the lack of sidewalks and traffic on Plato Place, will be exacerbated by the project. The commenter also believes that the project as proposed does not include enough onsite parking and wonders where residents will park their additional cars, since the local roadways are not large enough to accommodate street parking.

Response:

Please refer to Master Response 1.

28-4

Comment Summary:

The commenter asserts that the number of proposed low-income units does not outweigh the concerns raised in his previous comments and states that the City should deny the requested waivers and incentives.

Response:

The comments provided do not raise an environmental concern pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

From: Eliot Miller <ekmiller22@gmail.com>
Sent: Monday, December 12, 2022 8:40 AM
To: Nick Koutoufidis; Dennis Kaden; Eliot Miller; Encinitas community collective
Subject: EIR review for Piraeus Point Project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Nick:

Thank you for sending out the EIR for the Piraeus Point project for the Lennar Homes applicant. As a homeowner of 20 years on Caudor Street and as a concerned citizen I have two major concerns which I will discuss.

29-1

First is section T-18 regarding "Pedestrian Network Improvement", but not including Pedestrian safety. Yes Lennar will be putting in sidewalks on the Piraeus side of the project and will include a sidewalk on the Plato side of their property. What then happens to the children going to the local elementary school at Capri? The eastern side of Plato has no sidewalks or walkways and is a very narrow, curving street. Without continuation of the sidewalk all the way to Caudor, these children will be in harm's way with a catastrophe waiting to happen. I have spoken to the Lennar representatives regarding this issue and although they agreed this is a major issue, they feel that they pay major development fees and that the city should resolve this important issue beyond their property line. To me, I do not care who resolves this issue, it should just be part of and resolved by the environmental plan as it has a profound impact on the local community. If this is not resolved by Lennar and the City of Encinitas, a major lawsuit could take place in the future due to negligence of both of their parts.

29-2

Second: the parking issue section T-15. Again I have spoken to the Lennar representatives regarding this issue and although they agree there will not be adequate parking, they do meet the state "watered down" requirements, which supersede the local city requirements. There is currently no on-street parking on Piraeus or Plato, so where will the overflow cars go? The current allotment calls for 256 spaces (this number may be slightly low due to some new plans) with the current allotted spaces for the one bedroom units just one space, two and three bedroom units just 1.5 spaces. This allotment is fine if there is on-street parking, parking lots or mass transit. As you know, none of these are available near this projected development. Let's talk reality: basically without mass transit every adult in Encinitas needs their own car. In addition, many teenagers need a car for transportation to their high school which may be 5-20 miles away. My "realistic" calculations say that one bedroom units need 1.5 spaces, 2 bedroom units need 2 spaces and 3 bedroom units need 2.2 spaces. This calculates out to 284 spaces and does not include any spaces for guests. If you then include a minimum of 10 spaces for guests that then totals a need for 294 spaces, yet only 256 (possibly 276 with new plans) are available. Where are these cars going to park when there is no on-street parking? The closest street where there is some marginal parking is Caudor which would be severely impacted both structurally and safety wise if up to 20 additional cars are parked routinely on this street. The answer here is complex but doable: create more on-project parking or put in the HOA that their residents cannot park on the street and make that statement non-reversible in their city approval with the penalty of tickets or car removal.

29-3

Thank you for your consideration

Eliot Miller
 1711 Caudor St, Encinitas

ekmiller22@gmail.com
 760-822-8666

29 Eliot Miller

29-1

Comment Summary:

The commenter indicates they have been a homeowner for 20 years on Caudor Street.

Response:

The comment is introductory and does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

29-2

Comment Summary:

The commenter expresses concern with the "pedestrian network improvement" component of the project, specifically how it lacks to address pedestrian safety. Although the project would implement sidewalks along the Piraeus Street and Plato Place frontage, the commenter indicates that unsafe conditions for school children walking to Capri Elementary School would result. The commenter believes that these issues should be "resolved by the environmental plan."

Response:

Please refer to Master Response 1.

29-3

Comment Summary:

The commenter asserts that the project applicant agrees that adequate parking will not be provided by the project and expresses concern with overflow, as street parking is not provided along Piraeus Street or Plato Place, and parking lots and mass transit are not available in the area. Based on the commenter's own calculations, it would be more appropriate for the project to provide 284 parking spaces, without spaces for guests, or 294 parking spaces, including 10 guest spaces. The commenter contrasts this with the proposed 256 parking spaces ("possible 276 with the new plans"). The commenter indicates that Caudor Street, due to the marginal

From: Eliot Miller <ekmiller22@gmail.com>
Sent: Monday, December 12, 2022 8:40 AM
To: Nick Koutoufidis; Dennis Kaden; Eliot Miller; Encinitas community collective
Subject: EIR review for Piraeus Point Project

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Nick:

Thank you for sending out the EIR for the Piraeus Point project for the Lennar Homes applicant. As a homeowner of 20 years on Caudor Street and as a concerned citizen I have two major concerns which I will discuss.

First is section T-18 regarding "Pedestrian Network Improvement", but not including Pedestrian safety. Yes Lennar will be putting in sidewalks on the Piraeus side of the project and will include a sidewalk on the Plato side of their property. What then happens to the children going to the local elementary school at Capri? The eastern side of Plato has no sidewalks or walkways and is a very narrow,curving street. Without continuation of the sidewalk all the way to Caudor, these children will be in harm's way with a catastrophe waiting to happen. I have spoken to the Lennar representatives regarding this issue and although they agreed this is a major issue, they feel that they pay major development fees and that the city should resolve this important issue beyond their property line. To me, I do not care who resolves this issue, it should just be part of and resolved by the environmental plan as it has a profound impact on the local community. If this is not resolved by Lennar and the City of Encinitas, a major lawsuit could take place in the future due to negligence of both of their parts.

Second: the parking issue section T-15. Again I have spoken to the Lennar representatives regarding this issue and although they agree there will not be adequate parking, they do meet the state "watered down" requirements, which supersede the local city requirements. There is currently no-on street parking on Piraeus or Plato, so where will the overflow cars go? The current allotment calls for 256 spaces(this number may be slightly low due to some new plans) with the current allotted spaces for the one bedroom units just one space,two and three bedroom units just 1.5 spaces. This allotment is fine if there is on-street parking, parking lots or mass transit. As you know, none of these are available near this projected development. Let's talk reality: basically without mass transit every adult in Encinitas needs their own car. In addition, many teenagers need a car for transportation to their high school which may be 5-20 miles away. My "realistic" calculations say that one bedroom units need 1.5 spaces, 2 bedroom units need 2 spaces and 3 bedroom units need 2.2 spaces. This calculates out to 284 spaces and does not include any spaces for guests.If you then include a minimum of 10 spaces for guests that then totals a need for 294 spaces, yet only 256(possibly 276 with new plans) are available. Where are these cars going to park when there is no on-street parking? The closest street where there is some marginal parking is Caudor which would be severely impacted both structurally and safety wise if up to 20 additional cars are parked routinely on this street. The answer here is complex but doable: create more on-project parking or put in the HOA that their residents cannot park on the street and make that statement non reversible in their city approval with the penalty of tickets or car removal.

Thank you for your consideration

Eliot Miller
1711 Caudor St,Encinitas

ekmiller22@gmail.com
760-822-8666

29-1

29-2

29-3

parking it provides, would be “severely impacted both structurally and safety wise if up to 20 additional cars are parked routinely on this street.” The commenter proposes that more onsite parking be provided or add a non-reversible statement to the HOA that street parking is not allowed.

Response:

Please refer to Master Response 1. It is not anticipated that project residents would park their cars on Caudor Street, due to distance from the site. Whether the project HOA adds a non-reversible statement that street parking is prohibited would be up to the HOA and is not a project-related issue of concern to be evaluated in the EIR pursuant to CEQA.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitas.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project.

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology/Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles.

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

Regards



Brenda and John Mitchell
1431 Rainbow Ridge Ln
Encinitas, CA 92024

February 6, 2023
4:32pm

30 Brenda and John Mitchell**30-1**Comment Summary:

The commenters thank the City for the opportunity to comment on the EIR and express that they are opposed to the proposed project.

Response:

The comment provided is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

30-2Comment Summary:

The commenters feel that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenters also state opposition to the proposed 40-foot retaining walls.

Response:

Refer to Response 10-2.

30-3Comment Summary:

The commenters assert that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenters feel that this would be in conflict with the City's Climate Action Plan.

Response:

Refer to Response 10-3.

30-4Comment Summary:

The commenters ask that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitas.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project.

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology/Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles.

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

Regards



Brenda and John Mitchell
1431 Rainbow Ridge Ln
Encinitas, CA 92024

February 6, 2023
4:32pm

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applicant was aware of “the rules, site’s constraints, and cost of developing prior to getting involved with the property.”

Response:

Refer to Master Response 4.

30-5

Comment Summary:

The commenters express concern over increased traffic and related effects that may worsen with project implementation. The commenters state that direct access to Leucadia Boulevard from Piraeus Street is no longer available and causes local traffic to instead navigate through narrow roads which presents a safety concern for both vehicles and pedestrians.

Response:

Refer to Response 10-5.

30-6

Comment Summary:

The commenters indicate that the project would not provide adequate parking and would cause residents of the project to park along nearby streets.

Response:

Refer to Response 10-6.

30-7

Comment Summary:

The commenters note concern regarding existing safety issues near Capri Elementary School and roads in its vicinity, as well as the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school.

Response:

Refer to Response 10-7.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitas.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

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Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.

Biology/Conservation: Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles.

Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area.

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

Regards



Brenda and John Mitchell
1431 Rainbow Ridge Ln
Encinitas, CA 92024

February 6, 2023
4:32pm

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Comment Summary:

The commenters note that MERV-16 filters would be required with project implementation and express concern about cancer risks for those occupying the proposed rooftop decks.

Response:

Refer to Response 10-8.

30-9

Comment Summary:

The commenters state that the proposed project is not compatible with the surrounding neighborhood, the scenic visual corridor, nor the "gateway" to Encinitas. The commenters request that all waivers and incentives associated with the project be denied.

Response:

Please refer to Response 10-9.

From: Michael <murasko@hotmail.com>
Sent: Monday, February 6, 2023 3:40 PM
To: Nick Koutoufidis
Subject: Opposition to Paraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

I am very much opposed to this three story 149 unit project.
This project’s impact on the road and air safety, parking,
schools, and traffic are of a magnitude that cannot be absorbed
by my neighborhood.

Michael Murasko
1668 Burgundy Rd

31-1

31 Michael Murakso

31-1

Comment Summary:

The commenter expresses their opposition to the proposed project due to impacts on roadways, air, safety, parking, schools, and traffic that would be “of a magnitude that cannot be absorbed” by the commenter’s neighborhood.

Response:

Please refer to Master Responses 1 and 2. The commenter does not provide specifics as to how the project as proposed would be incompatible with the surrounding neighborhood relative to the issue areas noted. Refer also to Section 2.2, Air Quality, which concludes project impacts would be less than significant, with exception of emissions for diesel particulate matter, which would be reduced to less than significant with mitigation incorporated.

From: Kathryn Murtfeldt <kmurtfeldt@icloud.com>
Sent: Friday, February 3, 2023 11:13 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Nick,

The Piraeus Point project does not incorporate into the existing community.

Traffic

The 149 units in this project will create additional traffic on Plato, Caudor and Piraeus Streets. These streets are narrow, hilly, curved and lack designated sidewalks. Children and families in the Piraeus units will want to be able to walk to Capri Elementary school. A person was killed crossing Piraeus Street in recent years. There are no sidewalks on these streets so parents will need to drive their kids to school. School traffic in the morning and afternoons are already congested without adding additional cars taking students to school. While the EIR said traffic was significant and was not a mitigable problem, I disagree. The Capri area traffic needs to be addressed by the city of Encinitas. Adding an additional large development in a neighborhood of single family homes creates safety issues. How will fire and emergency vehicles respond during times when streets are gridlocked? Has the Fire Department been consulted about this project? How will students be able to walk safely to school?

Parking

Where will the cars park that these new housing units will generate? Most families who will be purchasing these units will have at least two cars. With 2 teenagers there could be 4 cars per unit. If the units have a 2 car garage, this will require 298 spaces. With the addition of a shared parking lot for 30 addition cars and guests, the numbers don't add up in the developments plan for parking. The total of possible cars could be (4 x 149) 596. If the plan is for 279 vehicles it doesn't address the parking requirements for this development. Where will these additional cars park on the adjacent streets? None of the streets are currently wide enough for on street parking.

Schools are full

The School District needs to be consulted on this development.

School capacity is going to be an issue as there is not sufficient space to add so many additional students created by 149 units in the Piraeus Point Development. Other projects already underway like Fox Point are going to make it challenging for local families already in the community to attend neighborhood schools.

I would like to see a scaled down project with not more than 134 units, each unit needs 2 designated parking spaces, a shared parking lot with more parking spaces, an increase in the number of affordable units beyond the 10% and something more suitable to fit into our neighborhood. As resident of the community we deserve a say in what is developed that has direct impact on our daily lives.

Regards,
Kathy Murtfeldt
1593 Caudor Street
Encinitas, CA 92024

Sent from my iPhone

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32 Kathryn Murtfeldt

32-1

Comment Summary:

The commenter state that the project would not incorporate into the surrounding community.

Response:

This comment is introductory; refer to the subsequent comments below. The commenter provides additional detail on why the project would be incompatible with the existing neighborhood.

32-2

Comment Summary:

The commenter expresses concerns regarding increased traffic on Plato Place, Piraeus Street, and Caudor Street and the lack of sidewalk on these roads, which poses safety concerns for children and families who wish to walk to Capri Elementary School. The commenter believes that traffic congestion near Capri Elementary School is already an issue and that the City needs to address the issue. The commenter also expresses concerns regarding emergency vehicle response due to increased traffic congestion and asks if the Fire Department has been consulted.

Response:

Please refer to Master Response 1 and Response 7-1. As described in EIR Section 3.15, Wildfire, the Encinitas Fire Department has indicated that it can adequately provide fire protection services to the project as proposed. The project would be subject to review by the Encinitas Fire Department to ensure that adequate utilities and services can be provided relative to reducing the risk or spread of wildfire and for conformance with applicable design and operational regulations.

32-3

Comment Summary:

The commenter expresses concerns regarding the number of proposed onsite parking spaces. The commenter feels that the number of resident-

From: Kathryn Murtfeldt <kmurtfeldt@icloud.com>
Sent: Friday, February 3, 2023 11:13 AM
To: Nick Koutoufidis
Subject: Piraeus Point

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Dear Nick,

The Piraeus Point project does not incorporate into the existing community.

Traffic

The 149 units in this project will create additional traffic on Plato, Caudor and Piraeus Streets. These streets are narrow, hilly, curved and lack designated sidewalks. Children and families in the Piraeus units will want to be able to walk to Capri Elementary school. A person was killed crossing Piraeus Street in recent years. There are no sidewalks on these streets so parents will need to drive their kids to school. School traffic in the morning and afternoons are already congested without adding additional cars taking students to school. While the EIR said traffic was significant and was not a mitigable problem, I disagree. The Capri area traffic needs to be addressed by the city of Encinitas. Adding an additional large development in a neighborhood of single family homes creates safety issues. How will fire and emergency vehicles respond during times when streets are gridlocked? Has the Fire Department been consulted about this project? How will students be able to walk safely to school?

Parking

Where will the cars park that these new housing units will generate? Most families who will be purchasing these units will have at least two cars. With 2 teenagers there could be 4 cars per unit. If the units have a 2 car garage, this will require 298 spaces. With the addition of a shared parking lot for 30 addition cars and guests, the numbers don't add up in the developments plan for parking. The total of possible cars could be (4 x 149) 596. If the plan is for 279 vehicles it doesn't address the parking requirements for this development. Where will these additional cars park on the adjacent streets? None of the streets are currently wide enough for on street parking.

Schools are full

The School District needs to be consulted on this development.

School capacity is going to be an issue as there is not sufficient space to add so many additional students created by 149 units in the Piraeus Point Development. Other projects already underway like Fox Point are going to make it challenging for local families already in the community to attend neighborhood schools.

I would like to see a scaled down project with not more than 134 units, each unit needs 2 designated parking spaces, a shared parking lot with more parking spaces, an increase in the number of affordable units beyond the 10% and something more suitable to fit into our neighborhood. As resident of the community we deserve a say in what is developed that has direct impact on our daily lives.

Regards,
Kathy Murtfeldt
1593 Caudor Street
Encinitas, CA 92024

Sent from my iPhone

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owned cars at the project site could be as high as 596, when considering that many of the families that would occupy the proposed units may have up to 4 cars. The commenter indicates that adjacent roads are not wide enough to accommodate street parking.

Response:

Please refer to Master Response 1.

32-4

Comment Summary:

The commenter feels that the local schools do not have the capacity to accommodate additional students that would reside at the project site and believes that the school district should be consulted about the project. The commenter notes that ongoing projects in the area will create difficulties for existing families to attend local schools (due to overcrowding).

Response:

Please refer to Master Response 2.

32-5

Comment Summary:

The commenter indicates she would like to see changes to the proposed project that would reduce the number of units to 134, increase onsite parking to 2 spaces per unit, increase the number of affordable units above 10 percent, and make the project more compatible with the surrounding neighborhood.

Response:

This comment does not raise specific environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

February 3, 2023

Nick Koutoufidis
Senior Planner
Development Services Department
City of Encinitas

Re: Project Title: Piraeus Point
Project Applicant: Lennar Homes of California, LLC
Project Location: NE corner of Piraeus Street and Plato Place, Encinitas, CA 92024; County Assessor Parcels: 254-144-01-00 and 216-110-35-00
Project Case Nos: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022 and SUB-005391-2022

Mr. Koutoufidis:

I'm a resident of Encinitas, residing at 1593 Caudor Street approximately ¼ mi from the proposed Piraeus Point townhome project. I'm responding the recent EIR provided by the City for public comment.

While I support the City's and State's efforts to provide more affordable/ low-income housing for people who work and live in our community, I have concerns regarding the current design of the Piraeus Point townhome project plan, and have the following comments in response to the EIR:

Project Density:

In 2021, the City applied a residential 30 overlay to the Piraeus Point townhomes site, increasing the allowable home density from RR1 and RR2 (0.5-2.0 du/ac) up to as high as 30 du/ac, a 1,500% increase! This project proposes to build 149 townhomes on APN 2541440100, a 6.88 acre parcel of land, with only 15 units designated as affordable. **This density is not compatible with the character and services available in the surrounding community.** The developer seeks to convince the City and our community that the project encompasses 11.8 acres by adding APN 2161103500 – this is misleading since this second parcel is unbuildable due to the steep grade of the bluff and proximity to the Batiquitos Lagoon. The developer should be encouraged to resubmit a new plan with less density, a higher percentage of affordable housing units and provide community infrastructure improvements to help mitigate increases in traffic; and upgrades to existing utilities, schools and emergency services that the project would require.

Schools, Section 3.11-3

The project is near Capri School, and many children and their parents walk from their homes to and from the school each day. This project will be adding children who must walk to school. The two streets adjacent to the project, Plato and Piraeus, do not have sidewalks or crosswalks,

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33 Robert Murtfeldt

33-1

Comment Summary:

The commenter notes that he resides on Caudor Street and expresses support for the City and State working to provide more low-income housing in the community, but indicates concern with the project design as proposed.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

33-2

Comment Summary:

The commenter asserts that the proposed density of the site, as permitted under the R-30 overlay, "is not compatible with the character and services available in the surrounding community." The commenter states that it is misleading to include Assessor's Parcel Number 2161103500 in the project site, as this parcel is unbuildable. The commenter suggests that the applicant decrease the proposed density of the site, increase the number of affordable housing units, and provide mitigation to address traffic increases associated with the project.

Response:

Please refer to Master Responses 1 and 4. It should be clarified that the project site does not include Assessor's Parcel Number 2161103500. This parcel is proposed as an offsite preserve area to serve as mitigation for impacts to biological resources; no development or other improvements are proposed on this parcel, and it would remain in its current undeveloped state.

and children will face a perilous journey walking along these routes. In addition, many children bike to/from school. Neighborhood streets to/from Capri Elementary School are not designed for bike traffic. I'm very concerned about the potential hazards and risk of injury that additional traffic and lack of adequate sidewalks and crosswalks and bike designated streets for our children. The developer must provide specific mitigation measures in our community to assure child safety.

Further, Capri Elementary is at full capacity. Where are additional children from the project going to go to be educated? In my view, it is the developer's responsibility to provide mitigation solutions to assure that these children are adequately educated in the Encinitas School system.

Transportation, Section 3.12:

The Transportation study in the EIR concluded that the current local VMT is significant and cannot be mitigated. The study didn't take into consideration the considerable additional traffic that would be generated by Piraeus Point and 15 other new development projects as part of the City Housing Element Update (March 13, 2019), several of which have been approved and are under construction now. Piraeus Point would only add to the hazardous traffic situation now that is rapidly getting worse in our community. We've already had tragic accidents between bikers and cars recently. Can we afford to ignore worsening traffic conditions from these projects and unfortunate future tragedies that could have been avoided?

pp 3.12-1: The developer proposes 2-way access to/from Plato Place, a non-conforming, narrow, hilly, winding country road, without sidewalks. Plato is one of only a few roads that residents in the Leucadia Hills community can use to access Leucadia or La Costa Boulevards. Navigating this road with current traffic conditions is already hazardous, especially when parents are picking up/dropping off their children at Capri School. The northern end of Caudor Street is also a non-conforming narrow, hilly and winding country road. The EIR estimates occupants at Piraeus Point will have 264 vehicles. Since there is no accessible public transportation nearby, this number could be significantly higher. Conservatively, two vehicles per unit would equal a total of 298. Where will all of these vehicles park? The project was not designed properly to accommodate this number of cars.

pp 3.12-3: The project would likely increase the traffic load at the Plato / Piraeus intersection making an already busy and challenging intersection significantly more hazardous. In addition, intersections at La Costa / Piraeus, Olympus / Piraeus and Sparta / Piraeus would likely experience higher circulation flow, and in their current state, increase dangers to drivers, bikers and pedestrians. Mitigation solutions must be developed and submitted for review by the developer.

pp 3.12-4: I'm very concerned that increased vehicle, bike and pedestrian circulation from the project would create traffic bottlenecks, resulting in inadequate access for emergency vehicles: police, fire, ambulance/paramedic and utility services. Lack of free access could increase loss of life and damage to property in the Leucadia Hills community during emergencies. As

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Comment Summary:

The commenter expresses concern regarding the safety of children biking or walking to Capri Elementary School due to the lack of sidewalks and crosswalks on Piraeus Street and Plato Place and the increased traffic that would result with project implementation. The commenter feels that the project applicant should be required to provide mitigation measures to ensure continued child safety.

Response:

Please refer to Master Response 1.

33-4

Comment Summary:

The commenter states that Capri Elementary School has reached maximum capacity and wonders where children residing at the project site would attend school. The commenter feels that the project applicant should mitigate for this issue.

Response:

Please refer to Master Response 2. Although the project would generate school aged children that would attend local area schools, the project applicant would be required to make payment of school impact fees to reduce any potential impacts on the school districts' ability to provide adequate school services to less than significant.

33-5

Comment Summary:

The commenter references EIR Section 3.12, Transportation, which notes that VMT-related impacts would be significant and unavoidable. The commenter states that the traffic analysis does not analyze the proposed project in conjunction with 15 other projects including the 2019 Housing Element. The commenter expresses concern regarding increased traffic associated with the project that may result in safety hazards.

Preface and Responses to Comments

and children will face a perilous journey walking along these routes. In addition, many children bike to/from school. Neighborhood streets to/from Capri Elementary School are not designed for bike traffic. I'm very concerned about the potential hazards and risk of injury that additional traffic and lack of adequate sidewalks and crosswalks and bike designated streets for our children. The developer must provide specific mitigation measures in our community to assure child safety.

Further, Capri Elementary is at full capacity. Where are additional children from the project going to go to be educated? In my view, it is the developer's responsibility to provide mitigation solutions to assure that these children are adequately educated in the Encinitas School system.

Transportation, Section 3.12:

The Transportation study in the EIR concluded that the current local VMT is significant and cannot be mitigated. The study didn't take into consideration the considerable additional traffic that would be generated by Piraeus Point and 15 other new development projects as part of the City Housing Element Update (March 13, 2019), several of which have been approved and are under construction now. Piraeus Point would only add to the hazardous traffic situation now that is rapidly getting worse in our community. We've already had tragic accidents between bikers and cars recently. Can we afford to ignore worsening traffic conditions from these projects and unfortunate future tragedies that could have been avoided?

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pp 3.12-3: The project would likely increase the traffic load at the Plato / Piraeus intersection making an already busy and challenging intersection significantly more hazardous. In addition, intersections at La Costa / Piraeus, Olympus / Piraeus and Sparta / Piraeus would likely experience higher circulation flow, and in their current state, increase dangers to drivers, bikers and pedestrians. Mitigation solutions must be developed and submitted for review by the developer.

pp 3.12-4: I'm very concerned that increased vehicle, bike and pedestrian circulation from the project would create traffic bottlenecks, resulting in inadequate access for emergency vehicles: police, fire, ambulance/paramedic and utility services. Lack of free access could increase loss of life and damage to property in the Leucadia Hills community during emergencies. As

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Response:

Please refer to Master Response 1.

33-6

Comment Summary:

The commenter notes that ingress/egress to the project site would be provided from Plato Place, which the commenter indicates is a dangerous roadway due to current design and traffic conditions, with such hazards increasing during drop-off and pick-up times at nearby Capri Elementary School. The commenter also suggests that the estimation of the number of new vehicles associated with the proposed project, as noted in the EIR, may not be high enough. The commenter asserts that the project would not be able to accommodate the number of associated cars and questions where these cars would park.

Response:

Please refer to Master Response 1. The project does not propose ingress/egress at Plato Drive; the access drive would be gated at its intersection with Plato Place and would be restricted to use by emergency vehicles only via a Knox Box. No project traffic would leave or enter the site at this point.

33-7

Comment Summary:

The commenter states that the project would increase vehicle traffic utilizing the intersections of Plato Place/Piraeus Street; La Costa Avenue/Piraeus Street; and Olympus Street/Piraeus Street; and Piraeus Street/Sparta Drive, potentially contributing to increased congestion and hazards. The commenter states that mitigation solutions to address such conditions must be developed and considered.

Response:

Please refer to Master Response 1.

mentioned before, an independent transportation study needs to be conducted to determine the seriousness of this potential problem.

pp 3.12-5: Cumulative transportation impacts from the project need to be further evaluated. Mitigation measures, if any, must be developed and submitted for review.

Utility Usage, Section 3.14:

Utility services in the Leucadia Hills Community are for the most part old. We experience frequent power outages, digital service interruptions, sewer main blocks, etc. requiring constant maintenance calls to keep them in service. Above ground poles are overloaded with power lines, transformers, cable, telephone and other digital service lines – some of these are leaning at angles in places over the streets (e.g., Caudor and Urania). Piraeus Point would add 149 new customers, that would further strain our antiquated systems and services.

I disagree with the EIR recommendations that the current utilities and services infrastructure are adequate to support this project. Can we get informed evaluations from each of the utilities and service providers in our area?

In summary, there are still several significant negative impacts of this project plan to the surrounding community, not adequately reflected in the current EIR that need to be addressed further. Will the developer take the community's comments into consideration and submit a modified EIR for further review?

Sincerely,

Robert Murtfeldt
1593 Caudor Street
Cell: (408) 348-6239

33-8
cont'd

33-9

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33-11

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Comment Summary:

The commenter states that that increased vehicle, bicycle, and pedestrian traffic from the project site would hinder emergency vehicle access and the provision of police, fire, and other emergency services. The commenter indicates that an independent transportation study should be prepared.

Response:

Please refer to Master Response 1 and Response 7-1. The technical studies prepared in support of the EIR were prepared by technical professionals familiar with the applicable regulations and industry standards relative to transportation issues.

A Local Transportation Assessment (LTA) was prepared for the project (Intersecting Metrics 2022) to evaluate project effects on the local transportation network and to recommend potential improvements, as necessary. Based on the analysis provided in the LTA, the project would not have a substantial effect on the operation of any roadways or intersections within the study area and that no offsite roadway or intersection improvements are needed with project implementation to alleviate the project's contribution of vehicular traffic on the local circulation system.

33-9

Comment Summary:

The commenter feels that additional analysis of cumulative transportation impacts associated with the project is necessary and asserts that mitigation measures be established and submitted for review.

Response:

Refer to Master Response 1. Potential impacts relative to increased traffic congested resulting with the proposed project in combination with other current or future development are not a topic of environmental concern requiring analysis in the EIR. Potential cumulative impacts relative to transportation are analyzed in Section 3.12, Transportation, of the EIR pursuant to the requirements of CEQA Guidelines Section 15130. The comment is conclusory in nature and does not provide specifics on how

mentioned before, an independent transportation study needs to be conducted to determine the seriousness of this potential problem.

pp 3.12-5: Cumulative transportation impacts from the project need to be further evaluated. Mitigation measures, if any, must be developed and submitted for review.

Utility Usage, Section 3.14:

Utility services in the Leucadia Hills Community are for the most part old. We experience frequent power outages, digital service interruptions, sewer main blocks, etc. requiring constant maintenance calls to keep them in service. Above ground poles are overloaded with power lines, transformers, cable, telephone and other digital service lines – some of these are leaning at angles in places over the streets (e.g., Caudor and Urania). Piraeus Point would add 149 new customers, that would further strain our antiquated systems and services.

I disagree with the EIR recommendations that the current utilities and services infrastructure are adequate to support this project. Can we get informed evaluations from each of the utilities and service providers in our area?

In summary, there are still several significant negative impacts of this project plan to the surrounding community, not adequately reflected in the current EIR that need to be addressed further. Will the developer take the community's comments into consideration and submit a modified EIR for further review?

Sincerely,

Robert Murtfeldt
1593 Caudor Street
Cell: (408) 348-6239

33-8
cont'd
33-9
33-10
33-11

the cumulative impact analysis is lacking or otherwise inadequate per the provisions of CEQA and State CEQA Guidelines. No further response is required.

33-10

Comment Summary:

The commenter feels that the project would further impact antiquated utilities in Leucadia, particularly electrical utilities, digital service lines, and sewer facilities. The commenter expresses their disagreement with the recommendations in the EIR regarding utilities and services infrastructure and feels that “informed evaluations” are needed from the affected utilities and service providers.

Response:

Potential impacts on utilities and services systems as a result of the proposed project are analyzed in Section 3.14, Utilities and Services Systems, of the EIR. The project was determined to have a less than significant impact on utilities and service systems as it would not require or result in the relocation or construction of new or expanded water or wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; have insufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments; generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; nor would it violate federal, state, and local management and reduction statutes and regulations related to solid waste.

As noted in the EIR, the Leucadia Wastewater District has completed a *Project Availability Form* which states that the district has adequate capacity to provide sewer service to the project for the next 5 years under existing and anticipated conditions (Appendix N of the EIR). In addition, the San Dieguito Water District has completed a Project Facility Availability

mentioned before, an independent transportation study needs to be conducted to determine the seriousness of this potential problem.

pp 3.12-5: Cumulative transportation impacts from the project need to be further evaluated. Mitigation measures, if any, must be developed and submitted for review.

Utility Usage, Section 3.14:

Utility services in the Leucadia Hills Community are for the most part old. We experience frequent power outages, digital service interruptions, sewer main blocks, etc. requiring constant maintenance calls to keep them in service. Above ground poles are overloaded with power lines, transformers, cable, telephone and other digital service lines – some of these are leaning at angles in places over the streets (e.g., Caudor and Urania). Piraeus Point would add 149 new customers, that would further strain our antiquated systems and services.

I disagree with the EIR recommendations that the current utilities and services infrastructure are adequate to support this project. Can we get informed evaluations from each of the utilities and service providers in our area?

In summary, there are still several significant negative impacts of this project plan to the surrounding community, not adequately reflected in the current EIR that need to be addressed further. Will the developer take the community’s comments into consideration and submit a modified EIR for further review?

Sincerely,

Robert Murtfeldt
1593 Caudor Street
Cell: (408) 348-6239

33-8
cont'd
33-9
33-10
33-11

Form which states that the district is expected to be able to provide adequate water service to the project as proposed for the next 5 years (Appendix N of the EIR). San Diego Gas and Electric (SDGE) currently provides electrical and natural gas services to the project vicinity; the proposed project would similarly be served by SDGE. The project would include installation of telecommunication facilities for the provision of internet services. The expected population increase in the area would not create a new substantial demand on existing telecommunication services and facilities.

33-11

Comment Summary:

The commenter asserts that the project would result in significant adverse impacts on the surrounding community that are not properly addressed by the EIR. The commenter feels that the applicant should address the community’s concerns and provide an updated EIR for review.

Response:

This comment is made in summary. Potential impacts on environmental resources associated with the proposed project are analyzed, pursuant to the provisions of CEQA, in Sections 3.1 through 3.15 of the EIR. No further response is required.

From: rebeliason@aol.com
Sent: Monday, February 6, 2023 1:37 PM
To: Nick Koutoufidis
Subject: PIRAEUS POINT

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,
Thank you for the opportunity to respond to the Piraeus Point draft EIR. I am very much opposed to this three story 149 unit project.

Unnecessary Grading: The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site. **IT WILL CHANGE THE LANDSCAPE SO TERRIBLY....OUR BEAUTIFUL, RURAL AREA WILL TURN INTO A CONCRETE WALL!**

Biology-Conservation:
Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units. **LEUCADIA IS A DARK-SKY COMMUNITY, WE HAVE CHOSEN TO LIVE HERE BECAUSE OF THE BEAUTIFUL ENVIRONMENT!! OUR FRIENDS & VISITORS SPECIFICALLY COME TO VISIT BECAUSE OF THE AMAZING COMMUNITY THAT IS LEUCADIA...PLEASE DO NOT DISRUPT THIS UNIQUE AREA.**

34-1

34-2

34-3

34 Rebecca Nielsen

34-1

Comment Summary:

The commenter thanks the City for the opportunity to comment on the EIR and states opposition to the proposed project.

Response:

The comment provided is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

34-2

Comment Summary:

The commenter feels that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenter also states opposition to the proposed 40-foot retaining walls. The commenter feels that the project would adversely impact the visual landscape of the existing rural area.

Response:

Refer to Master Response 4 and Response 10-2.

34-3

Comment Summary:

The commenter asserts that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenter feels that this would be in conflict with the City's Climate Action Plan. The commenter notes that Leucadia is a dark-sky community and feels that the project would be a disruption to the area.

Response:

Refer to Responses 8A-1 and 10-3.

Underground the Utilities: Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property. Do not give them a pass.

34-4

Traffic continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. ***I USE THE PIRAEUS ROAD VERY FREQUENTLY AND HAVE NOTICED A VERY SUBSTANTIAL INCREASE IN BICYCLE TRAFFIC BECAUSE OF OLYMPUS PARK. WE ARE SO HAPPY TO HAVE SUCH A WONDERFUL PARK THAT SERVICES THE NEIGHBORHOOD AND ALL WHO COME TO USE IT, BUT I FEAR THAT THIS ROAD WILL JUST BE TOO CONGESTED AND OVER-USED WITH THIS NEW DEVELOPMENT. IT IS NOT WORTH JEOPARDIZING YOUNG LIVES....THE PARK WAS BUILT BECAUSE IT WAS AN IDEAL LOCATION....PLEASE DON'T CHANGE THIS!***

34-5

Parking is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?

34-6

Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. ***BECAUSE SOUTHBOUND TRAFFIC ON PIRAEUS IS RESTRICTED, MANY CAPRI ELEMENTARY PARENTS TAKE SIDE ROUTES TO GET TO LEUCADIA...IT IS VERY BUSY AND I HAVE PERSONALLY WITNESSED MANY DISTRACTED DRIVERS TRYING TO GET TO /FROM SCHOOL QUICKLY THROUGH THE NEIGHBORHOOD...THIS WILL ONLY GET WORSE WITH PIRAEUS POINT RESIDENTS TRYING TO CONNECT TO LEUCADIA BLVD.***

34-7

Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.

34-8

***Regards
Rebecca Nielsen
840 Sunrich Lane
Encinitas, CA 92024***

34-4

Comment Summary:

The commenter asks that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the applicant was aware of “the rules, site’s constraints, and cost of developing prior to getting involved with the property.”

Response:

Refer to Master Response 4.

34-5

Comment Summary:

The commenter expresses concern over increased traffic and related effects that may worsen with project implementation. The commenter states that direct access to Leucadia Boulevard from Piraeus Street is no longer available and causes local traffic to instead navigate through narrow roads which presents a safety concern for both vehicles and pedestrians.

The commenter also notes an increase of bicycle traffic along Piraeus Street due to the construction of Olympus Park, and fears that Piraeus Street will become too congested as a result of project implementation, creating safety issues for bicyclists traveling to and from the park.

Response:

Refer to Master Response 1. Project-generated traffic is not anticipated to interfere with bicycle travel along Piraeus Street, or any other local street. Although the project may contribute traffic to local streets, it is speculative to assume that the project would therefore directly affect this mode of travel or otherwise degrade public safety.

34-6

Comment Summary:

The commenter indicates that the project would not provide adequate parking and would cause residents of the project to park along nearby streets.

Preface and Responses to Comments

<p><u>Underground the Utilities:</u> Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass.</p>	34-4
<p><u>Traffic</u> continues to be a difficulty and will become worse. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles. <i>I USE THE PIRAEUS ROAD VERY FREQUENTLY AND HAVE NOTICED A VERY SUBSTANTIAL INCREASE IN BICYCLE TRAFFIC BECAUSE OF OLYMPUS PARK. WE ARE SO HAPPY TO HAVE SUCH A WONDERFUL PARK THAT SERVICES THE NEIGHBORHOOD AND ALL WHO COME TO USE IT, BUT I FEAR THAT THIS ROAD WILL JUST BE TOO CONGESTED AND OVER-USED WITH THIS NEW DEVELOPMENT. IT IS NOT WORTH JEOPARDIZING YOUNG LIVES....THE PARK WAS BUILT BECAUSE IT WAS AN IDEAL LOCATION....PLEASE DON'T CHANGE THIS!</i></p>	34-5
<p><u>Parking</u> is severely lacking. Common sense, not the new parking ordinance, dictates a need for additional parking. How will you prevent PP residents from invading the neighboring streets for over-night parking?</p>	34-6
<p><u>Safety</u> issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular. Also the air quality is cancer causing, requiring MERV 16 filters. What of the air breathed in on the outdoor roof top patio and pool area. <i>BECAUSE SOUTHBOUND TRAFFIC ON PIRAEUS IS RESTRICTED, MANY CAPRI ELEMENTARY PARENTS TAKE SIDE ROUTES TO GET TO LEUCADIA...IT IS VERY BUSY AND I HAVE PERSONALLY WITNESSED MANY DISTRACTED DRIVERS TRYING TO GET TO /FROM SCHOOL QUICKLY THROUGH THE NEIGHBORHOOD...THIS WILL ONLY GET WORSE WITH PIRAEUS POINT RESIDENTS TRYING TO CONNECT TO LEUCADIA BLVD.</i></p>	34-7
<p>Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. Deny all the waivers and incentives.</p> <p><i>Regards Rebecca Nielsen 840 Sunrich Lane Encinitas, CA 92024</i></p>	34-8

Response:
Refer to Response 10-6.

34-7

Comment Summary:

The commenter notes concern regarding existing safety issues near Capri Elementary School and roads in its vicinity. The commenter expresses concern over the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school. The commenter feels that Leucadia Boulevard is a common route for cars traveling to Capri Elementary School, and traffic congestion along this road would worsen with implementation of the proposed project, especially because southbound traffic on Piraeus Street is not permitted.

The commenter notes that MERV-16 filters would be required with project implementation and is concerned about cancer risks for those occupying outdoor areas of the project site.

Response:
Please refer to Master Response 1 and Response 10-8.

34-8

Comment Summary:

The commenter states that the proposed project is not compatible with the surrounding neighborhood, the scenic visual corridor, nor the “gateway” to Encinitas. The commenter requests that all waivers and incentives associated with the project be denied.

Response:
Refer to Master Response 4.

From: Jim O'Donnell <jodonnell99@cox.net>
Sent: Monday, February 6, 2023 2:53 PM
To: Nick Koutoufidis
Subject: Piraeus Point project

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Case numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA state clearinghouse no. 2022050516)

Nick,
Appreciate the opportunity to be heard regarding the Piraeus Point draft EIR.
As a 40 year resident and taxpayer of Encinitas (leucadia) I am 100% opposed to this out of place and out of touch project.
GRADING:
As a owner builder of an ADU on my property I am well aware of the coastal slopes, runoff, and amount of dirt export that will need to be done on this project and the irreversible damage that will occur. Much like the Fiori project on Normandy that the city allowed Lennar to overbuild on, this project is on a much grander and devastating scale.
COMMUNITY CHARACTER:
In destroying the few last open spaces we have this project will be destroying the community character that is so sought after these days. Once again a political steamroller is rolling over the taxpayers who invested here and crushing our quality of life and home values.
TRAFFIC:
This project is on a two lane road, nowhere near transit, nowhere near shopping, therefore everyone in this project will have to drive a car. I cannot get out of my driveway in the mornings already with the Capri traffic let alone the backup onto Leucadia Blvd from Urania! This two lane road with an outlet to La Costa Ave, and to northbound 5 at Leucadia Blvd cannot sustain this insanity. Not to mention the parking needed where there is none, and the safety concerns with the amount of kids at the new Olympus Park.
In ending; this project must be stopped because once built, you can't take it away. So many concerns and lives ruined for a few "low income units". I encourage you to please stand up and deny this eye sore in our pristine laidback community that was never designed for this type of failure.
Please let's keep Encinitas special rather than turning it into OC.

Regards,

Jim & Cheryl O'Donnell
637 Sparta Dr.
Encinitas, Ca 92024
(760) 310-1606
jodonnell.tifco@cox.net

Jim O'Donnell
TIFCO Maintenance Specialist
(760) 310-1606
jodonnell.tifco@cox.net

35 Jim and Cheryl O'Donnell

35-1

Comment Summary:

The commenters indicate that they have resided in the City for 40 years and are opposed to the proposed project.

Response:

The commenters' opposition to the project is noted for the record. This comment is an introductory statement and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

35-2

Comment Summary:

The commenters express concern over impacts to coastal slopes as well as concerns related to runoff and soil export that would occur with project implementation. The commenters feel that this project is more impactful than the nearby Fiori project site that was already overbuilt.

Response:

Refer to Master Response 4. The comments do not provide specifics as to what the commenters' particular concern is relative to coastal slopes and hydrology/drainage effects. As indicated in the EIR, project impacts relative to aesthetics and hydrology/water quality were determined to be less than significant. Refer also to EIR Sections 3.1, Aesthetics, and 3.8, Hydrology/Water Quality for additional discussion.

35-3

Comment Summary:

The commenters feel that development of the currently vacant property would negatively impact community character, quality of life for residents, and home values in the area.

From: Jim O'Donnell <jodonnell99@cox.net>
Sent: Monday, February 6, 2023 2:53 PM
To: Nick Koutoufidis
Subject: Piraeus Point project

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Case numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA state clearinghouse no. 2022050516)

Nick,
Appreciate the opportunity to be heard regarding the Piraeus Point draft EIR.
As a 40 year resident and taxpayer of Encinitas (leucadia) I am 100% opposed to this out of place and out of touch project. 35-1
GRADING:
As a owner builder of an ADU on my property I am well aware of the coastal slopes, runoff, and amount of dirt export that will need to be done on this project and the irreversible damage that will occur. Much like the Fiori project on Normandy that the city allowed Lennar to overbuild on, this project is on a much grander and devastating scale. 35-2
COMMUNITY CHARACTER:
In destroying the few last open spaces we have this project will be destroying the community character that is so sought after these days. Once again a political steamroller is rolling over the taxpayers who invested here and crushing our quality of life and home values. 35-3
TRAFFIC:
This project is on a two lane road, nowhere near transit, nowhere near shopping, therefore everyone in this project will have to drive a car. I cannot get out of my driveway in the mornings already with the Capri traffic let alone the backup onto Leucadia Blvd from Urania! This two lane road with an outlet to La Costa Ave, and to northbound 5 at Leucadia Blvd cannot sustain this insanity. Not to mention the parking needed where there is none, and the safety concerns with the amount of kids at the new Olympus Park. 35-4
In ending; this project must be stopped because once built, you can't take it away. So many concerns and lives ruined for a few "low income units". I encourage you to please stand up and deny this eye sore in our pristine laidback community that was never designed for this type of failure. 35-5
Please let's keep Encinitas special rather than turning it into OC.

Regards,

Jim & Cheryl O'Donnell
637 Sparta Dr.
Encinitas, Ca 92024
(760) 310-1606
jodonnell.tifco@cox.net

Jim O'Donnell
TIFCO Maintenance Specialist
(760) 310-1606
jodonnell.tifco@cox.net

Response:

Please refer to Master Response 4. Community character, quality of life, and home value are not environmental issues of concern requiring evaluation pursuant to CEQA. The City will evaluate the project as proposed for consistency with applicable design regulations and restrictions that would affect the appearance and operations of the project within the existing community through the City's discretionary review process. The project site is identified in the City's General Plan Housing Element Update as intended for development to provide new residential housing in support of State housing goals.

35-4

Comment Summary:

The commenters express concerns regarding increased traffic congestion, especially due to the lack of transit and shopping nearby to the project site, which therefore requires residents of the project to own cars. The commenters are specifically concerned about traffic congestion and queueing on Leucadia Boulevard from Urania Avenue as cars travel to Capri Elementary School in the mornings. The commenters also raise concerns regarding parking and the safety of children at Olympus Park.

Response:

Please refer to Master Response 1. Such conditions described regarding safety do not raise an environmental issue of concern requiring analysis in the EIR pursuant to CEQA.

35-5

Comment Summary:

The commenters assert that the amount of low-income units proposed for the project does not justify the concerns raised and potential impacts to nearby residents. The commenters indicate that the project would be an "eye sore" in the community.

Response:

This comment is in conclusion to the letter and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

From: Teresa Ornelas <tgorneas@gmail.com>
Sent: Monday, February 6, 2023 12:37 PM
To: Nick Koutoufidis
Cc: Teresa Ornelas
Subject: Case Numbers: Piraeus Point /MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Thank you Nick for the opportunity to submit my list of concerns on Piraeus Point.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

1. Existing Slope – The slope exceeds the allowable encroachment into the existing steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). The project is calling out an approximately 40% encroachment into steep slope areas. **In essence, the developer has planned to remove all existing slopes.** Lennar will remove: 60,000 cubic yards. This equals 2,200 lbs CY or 132,000,000 lbs/2000 = 66,000 tons. Number of 10 CY dump trucks = 66,000 tons/ 13 tons = 5,076 10 CY dump trucks.

The clean fill will be wet and more dense and weighs 3,000 lbs per CY.

36-1

1

36 Teresa Ornelas

36-1

Comment Summary:

The commenter indicates that project would encroach 40% into steep slope areas. The commenter includes calculations to determine the amount and frequency of dump trucks needed to transport the resulting soils from the site and to import the amount of clean fill needed. The commenter asserts that such construction-related trips would adversely affect nearby residents and vegetation due to dust, fumes, and traffic.

The commenter questions if the project would be “stable, safe, and well-engineered” and feels that concerns related to geology and soils are not being addressed. The commenter asserts that the project should not be approved due to its violation of the Municipal Code relative to steep slope encroachment, as well as engineering requirements (40-50 foot high retaining walls, extent of grading required) to accommodate development of the site as proposed.

Response:

Please refer to Master Response 4. As noted, the project requires a waiver as proposed grading would exceed allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030 (Hillside/Inland Bluff Overlay Zone). Without this waiver, the project footprint would be substantially reduced, thereby impacting the project’s ability to provide for deed-restricted affordable housing on-site. Thus, without the waiver, feasible development of the site would reduce the ability of the City to achieve its housing goals and the provision of affordable housing.

Potential impacts to air quality from project construction were analyzed in EIR Section 3.2, Air Quality. Emissions were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. CalEEMod is the state-wide accepted modeling software used for preparing air quality analysis. The model utilizes project-specific inputs including location, construction schedule, construction vehicle trips (including hauling), and proposed uses. Based on results of the modeling, emissions of criteria pollutants during construction, including reactive organic gases (ROG), nitrogen oxide (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), coarse

Therefore the project will require a minimum of 11,000 CY x 3,000 lbs = 33,000,000 lbs/
2000 lbs = 16,500 tons/ 13 = 1,269 10 CY dump trucks.

Total dump trucks = 6,345 over 10 months = 220 day = 29 trucks per day or 1 truck every
15 minutes.

The period of time called out for excavation is 10.5 months. This is a massive undertaking. During the almost 11 months, the neighborhoods would be negatively affected by the dust, the fumes, the traffic of thousands of truckloads of soil with other earth moving equipment. All of this would impede neighbors' lives greatly. The original vegetation, and native plants will be destroyed. Excavation, grading will be difficult. It is questionable if this procedure will result in a stable, safe, and well-engineered project. We need to adhere to the strict building code compliance to ensure the safety and wellbeing of its residents. The Draft EIR Report minimizes the community concerns. I cannot comprehend why a very important requirement soils/geology is being avoided. It is unsafe and the only reason seems to be to benefit the developer. The Encinitas Municipal Code calls for a 25% slope and this must be adhered to. The code doesn't permit total removal 40 feet below the original grade level. For this reason, the project should be rejected. It does not stand to reason that the residents must face unsafe resolutions. Forty to 50 feet reinforced concrete retaining walls will be constructed, east and north property line to remove 65,000 cubic yards. This is a disgrace to the community and City of Encinitas to permit this to occur. Why will the City set precedent for other developers to do the same? Why is there no concern for this?

2. Utilities. Undergrounding the existing overhead electrical 12 KV lines needs to be done. Reason: pursuant to Encinitas Municipal Code Section 23.36.120. The City of

36-1,
cont'd

36-2

particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}), would be below the thresholds for each year of construction. As project criteria pollutant emissions during construction would not exceed San Diego Air Pollution Control District air quality standards and would be temporary, impacts would be less than significant and no mitigation measures are required.

Impacts related to geology and soils were analyzed in EIR Section 3.6, Geology and Soils. As described, because of the distance to the nearest fault and the magnitude of past seismic activity, the project would neither negate nor supersede the requirements of the Alquist-Priolo Earthquake Fault Zoning Act, nor would the project expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault as delineated on the current Alquist-Priolo Earthquake Fault Zoning Map.

The project would prepare a Final Geotechnical Report which would provide site-specific geotechnical recommendations for each building, including pad compaction levels, foundation requirements, wall footing design parameters, and other recommendations to ensure that all structures are constructed to appropriate engineering requirements. The project would be subject to conformance with standard requirements of the California Building Code and local engineering design requirements. Conformance with such recommendations and requirements would ensure that the project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse.

36-2

Comment Summary:

The commenter feels that the existing 12 kilovolt utility poles to the north and east of the project site should be required to be undergrounded per Municipal Code Section 23.36.120, and no exceptions should be granted. The commenter feels that granting the exception would negatively impact residents of the community and would conflict with established and agreed upon City policies for the benefit of the applicant.

Encinitas requires all projects to underground overhead power lines—no exceptions. The incentive requested would eliminate the underground utilities requirement. All of the existing San Diego Gas & Electric utility poles that are located to the north and east of the project are 12 kilovolt and per City Policy enforced are undergrounded. However, the undergrounding of those utilities is being argued by the developer because of costs. The community residents would suffer in order to benefit the developer profit margins. The developer stands to make millions if this goes through. Again, Encinitas enforced policy and agreed to in other cases is being set aside to benefit developer construction projects/subdivisions. Why will the City risk the safety of many?

36-2
cont'd

3. Air Quality – risk of cancer to Piraeus Point Townhome residents due to the proximity of I-5 remains high. LDN Consulting, per Table 3 of EIR Draft agrees that freeway pollutants do represent a significant cancer risk for all residents and recommends installation of MERV 16 filters. This factor alone should reject this project. Why won't the City consider the health hazards imposed by this project? Please see ECC Environmental Review dated February 6, 2023 for further details.

36-3

4. Parking – minimal parking provided. An additional minimum 500 new folks living on this very small parcel of land four acres. Never been excavated. High slope exists plus ravines. Emergency vehicles having difficulty coming in and out. Narrow street parking will overflow to other neighborhoods. This has other ramifications such as high crime, vandalism, intrusion on other home owners, the erosion of a quality well thought out community. See 3.9 Land Use and Planning. Why will the City not consider the ramifications of less and less parking throughout Encinitas? Why does the City not make developers responsible thru a fund to provide a reasonable solution?

36-4

Response:

Please refer to Master Response 4.

36-3

Comment Summary:

The commenter expresses concerns regarding cancer risks associated with the project site's proximity to I-5 and notes that that the installation of MERV-16 filters is recommended. The commenter feels that the project should not be approved due to the cancer risks associated with the proximity to I-5. The commenter also refers the reader to the Encinitas Community Collective letter dated February 6, 2023.

Response:

Please refer to Response 4A-6.

36-4

Comment Summary:

The commenter expresses concerns regarding the amount of proposed onsite parking, particularly how it would impact emergency vehicle access and would result in cars parking on narrow streets in surrounding neighborhoods. The commenter feels that the increase in street parking would result in more crime, vandalism, encroachment into other neighborhoods, and the loss of neighborhood quality.

Response:

Please refer to Master Response 1. Concerns regarding increased crime and vandalism are not environmental issues pursuant to the provisions of CEQA. The City will consider such concerns in determining whether or not to approve the proposed project.

5. Traffic – the continual cumulative effect of more than 500 vehicles on the surrounding small streets will have an extreme detrimental effect. More accidents will occur with potential deaths. This development near Capri Elementary School will have a negative impact on the already devastating flow of parent cars picking up and delivering school children. Children and their safety will be negatively affected as a result of this poor planning or no planning at all. Lack of vision. Why will the City not consider alternatives to an existing problem? Why isn't safety of our children being considered?

36-5

6. Infrastructure – we have no examples of any plans to prepare for more traffic, more danger to our neighborhood. There is no provision in case of a fire. Surrounding neighbors would be unable to get out in an expedient manner. Those families on Gascony and Capri School would have great difficulty in getting to the main highways. The goal seems to be overbuild at whatever costs, no matter what the community concerns. Why is the City so slow to respond to infrastructure needs?

36-6

7. Piraeus Point (Cannon Property) – is a mitigation site at best. Four acres to house over 149 homes. Piraeus Point is part of the Bluff Gateway to Encinitas 22 acres. The Bluff Gateway to Encinitas, is hopefully on its way to become a natural preserve. Piraeus is adjacent to the Bluff. It is connected. Consideration of Piraeus as part of the preserve needs to be taken into account. La Costa preservation parcel, state owned and has connectivity to Batiquitos Lagoon. It should not be loaded up with 149 homes whose owners would have noise problems from the I-5, air quality problems and minimal parking. This small piece of land was placed on the City's General Plan Housing with controversy and those issues and concerns continue today. The goals and Policies stated in the Housing Element that new construction would fit the neighborhood. Piraeus Point does not. **See City of Encinitas Housing Element 2019. Project Impacts and Mitigation.**

36-7

36-5

Comment Summary:

The commenter expresses concerns regarding the increase in traffic, particularly how it may result in increased vehicular accidents and exacerbate congestion during Capri Elementary School pick up and drop off times. The commenter feels that children safety will be adversely impacted as a result of the proposed project.

Response:

Please refer to Master Response 1.

36-6

Comment Summary:

The commenter expresses concern regarding the increase in traffic, particularly how it would impact surrounding residents from evacuating in the event of an emergency. The commenter feels that the proposed project contributes to the overbuilding of the area at the expense of the community.

Response:

Please refer to Response 7-1.

36-7

Comment Summary:

The commenter asserts that the project site better would serve better as a mitigation site. The commenter indicates that the site is adjacent to the Bluff Gateway to Encinitas that may become a natural preserve. The commenter suggests that the project site should be considered for its proximity to the Bluff Gateway and other preservation lands in the area. The commenter raises particular concerns regarding development of the site relative to noise from I-5, air quality, and the lack of parking and notes that due to the conditions described, development of the site does not align with the goals and policies of the City's 2019 Housing Element nor does it "fit the neighborhood."

8. Affordability- given the guidelines property owners will not qualify nor will they be able to afford the many fees, taxes without taxpayer subsidies. This is not an affordable area and will not serve as a low low income affordable housing. It is simply too expensive to live here. It is in fact a misnomer to call this project low low income /affordable housing. It should not be called affordable. Nor should developers get the benefit of waivers or incentives. The criteria when finally tested out will not hold. This has been a false scenario promulgated by individuals who will financially gain and not care about Encinitas residents and preserving the community. It is all about the profits to be gained from tax payer subsidies State and Federal by the developer, Lennar. No good will come forth from the project. The negative cumulative effect is significant and the project should be denied. Why won't the City consider this important factor?

36-8

Response:

As discussed in Section 3.3, Biological Resources, and elsewhere in the EIR, the project identifies the approximately 4.5 acres to the north of the project site as a preserve area to be protected in perpetuity, thereby avoiding potential impacts to sensitive resources and restricting development to the southernmost parcel. This approach is respectful of the site's proximity to other offsite undeveloped lands having biological value and would therefore provide continued connectivity to such lands. Impacts to sensitive biological resources resulting with development of the project site would be adequately mitigated for and reduced to a level of less than significant, thereby minimizing potential adverse effects to or loss of such resources.

The project site is identified in the City's adopted Housing Element Update as an appropriate site for new residential development to help the City meet State-mandated housing goals. The City will further evaluate the project for consistency with the City's General Plan when determining whether to approve the project as proposed. Refer also to Master Response 4 which discusses project design relative to applicable regulatory and design requirements.

36-8

Comment Summary:

The commenter feels that the project would not actually provide low-income housing as many potential property owners would not qualify and would not be able to afford living in the area. The commenter feels that describing the project as low-income affordable housing is inaccurate, as the true intent of the project is profits and financial gain at the expense of City residents and the community. The commenter believes that the project should not be approved.

Response:

Affordability and qualifications for low-income housing are not issues pursuant to the provisions of CEQA. No further response is required.

From: Mercedes Pederson <mercedespederson@gmail.com>
Sent: Sunday, February 5, 2023 6:14 PM
To: Nick Koutoufidis
Subject: Fwd: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Begin forwarded message:

From: Mercedes Pederson <mercedespederson@gmail.com>
Subject: Piraeus Point
Date: February 5, 2023 at 5:52:19 PM PST
To: nkoutoukidis@encinitas.ca.gov
Cc: John Pederson <92024john@gmail.com>

Dear Nick Koutoufidis,

My husband and I are 40 year old residents of Leucadia and live around the corner from Capri Elementary school in Encinitas.

We are opposed to the Piraeus Point development for the following reasons:

1. 1. Protect our natural resources such as lagoons, watershed, riparian, and wildlife habitat, natural vegetation, bluffs, and hillsides for our lives, our children's lives and future generations.

1. 2. Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

1. 3. Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

1. 4. Preserve our community's zoning and property rights in perpetuity, if we so choose. This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection

1

37 John and Mercedes Pederson

37-1

Comment Summary:

The commenters indicate that they have resided in Leucadia for 40 years and live in the vicinity of Capri Elementary School. The commenters indicate that there are several reasons that they are opposed to the proposed project.

Response:

This comment is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

37-2

Comment Summary:

The commenters list various goals and policies from the Land Use Element of the General Plan.

Response:

The commenters provide a list of goals and policies from the Land Use Element of the General Plan. No specific comments as how such goals and policies relate to specific concerns regarding the project as proposed are indicated. The City will consider project consistency with the General Plan as part of the discretionary process and such findings will be considered when evaluating whether to approve the project as proposed. The comments provided do not raise environmental concerns pursuant to the provisions of CEQA.

37-1

37-2

of the community's shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

**Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services. (Coastal Act/30250)*

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252)

Land Use Element (continued)

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid- range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid- range buildout density overall.

**Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)*

Circulation Element:

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood

37-3

Comment Summary:

The commenters list various goals and policies from the Circulation Element of the General Plan.

Response:

The commenters provide a list of goals and policies from the Circulation Element of the General Plan. No specific comments as how such goals and policies relate to specific concerns regarding the project as proposed are indicated. Refer to Response 37-2, above.

37-2
cont'd

37-3

safety/community character preservation, the latter will have first priority.

We are hoping the city council will deny this project; as it does not meet the environmental, or safe route to school policy.

Sincerely,

John and Mercedes Pederson

↑ 37-3
cont'd
37-4

37-4

Comment Summary:

The commenters indicate that they hope the City will deny the project as it does not comply with environmental nor safe routes to school policies.

Response:

Please refer to Master Response 1. It is unclear as to what environmental or Safe Routes to School policies the commenters are referring to. No further response is required.

From: Terri Richer <terriricher3@gmail.com>
Sent: Monday, February 6, 2023 10:16 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I'm writing this letter with my concerns about the Piraeus Point project. I've lived in this rural part of Encinitas for over 60 years. My 99 year old father lives on Plato Place and I live on Normandy Hill Lane. We both will be impacted by this project. My father counts 50 cars going to Capri school in the mornings, up Plato Place, which is a narrow street with no parking and no sidewalks. Adding another 149 homes, we could have another 100 cars each morning and afternoon. This is a rural area and the streets aren't conducive to this kind of traffic. Three story buildings are not conducive to this neighborhood. A tremendous amount of dirt will need to be removed. Dump truck exhaust, dirt, and noise pollution will negatively impact wildlife and residence for months. My father occasionally has cranes in his yard but with this project I doubt they will come around anymore. I feel like the impact of increase housing density is not being considered in the city's bid to add new housing. There are two projects, the Weston property (La Costa Ave) and the Dram and Echter(Leucadia Blvd) that have been approved but not completed. Adding another project with additional cars and traffic will congest Piraeus and impede access to Leucadia Blvd and La Costa Ave, both of them are very contested now and we haven't seen the impact of the two approved projects. In the mornings, trying to turn right on to Leucadia Blvd, from Urania, even on a green light, is difficult. Cars back up into the intersection. 271 parking spaces is not enough. There is no parking on Plato or Piraeus. Every unit will have at least two cars. Where is the overflow going to park? The city allowed a park, on Olympus, to be put in without adequate parking on a street unable to accomodate the extra traffic. Please don't let this happen on Plato Place. People have bought homes in this area because they like the rural feel. To change zoning from 8 to 25 is just not right. This project will negatively change the character of our community and our quality of life. Thank you, Terri Turner Richer

Sent from my iPhone

38 Terri Richer

38-1

Comment Summary:

The commenter indicates that they reside on Normandy Hill Lane and their father lives on Plato Place. The commenter raises concern over the increased traffic on Plato Place, that is a narrow road with no sidewalks or parking, in the mornings as cars travel to Capri Elementary School. The commenter feels that the area is not able to handle increased levels traffic that may result with addition of the project.

Response:

Please refer to Master Response 1.

38-2

Comment Summary:

The commenter feels that the project as proposed does not fit into the neighborhood due to the 3-story structures proposed, and expresses concern regarding the amount of dirt to be removed during construction as well as related dump truck exhaust, dirt, and noise pollution that would have adverse effects on wildlife.

Response:

Please refer to Master Responses 1, 3, and 4. Impacts relative to air quality were adequately analyzed in Section 3.2, Air Quality, of the EIR. As described, emissions from project construction were estimated using the California Emissions Estimator Model (CalEEMod) version 2020.4.0. Based on results of the modeling, emissions of criteria pollutants during project construction, including reactive organic gases (ROG), nitrogen oxide (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), coarse particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}), would be below the thresholds for each year of construction. As project criteria pollutant emissions during construction would not exceed SDAPCD air quality standards and would be temporary, impacts would be less than significant and no mitigation measures are required.

Preface and Responses to Comments

From: Terri Richer <terriricher3@gmail.com>
Sent: Monday, February 6, 2023 10:16 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I'm writing this letter with my concerns about the Piraeus Point project. I've lived in this rural part of Encinitas for over 60 years. My 99 year old father lives on Plato Place and I live on Normandy Hill Lane. We both will be impacted by this project. My father counts 50 cars going to Capri school in the mornings, up Plato Place, which is a narrow street with no parking and no sidewalks. Adding another 149 homes, we could have another 100 cars each morning and afternoon. This is a rural area and the streets aren't conducive to this kind of traffic. Three story buildings are not conducive to this neighborhood. A tremendous amount of dirt will need to be removed. Dump truck exhaust, dirt, and noise pollution will negatively impact wildlife and residence for months. My father occasionally has cranes in his yard but with this project I doubt they will come around anymore. I feel like the impact of increase housing density is not being considered in the city's bid to add new housing. There are two projects, the Weston property (La Costa Ave) and the Dram and Echter (Leucadia Blvd) that have been approved but not completed. Adding another project with additional cars and traffic will congest Piraeus and impede access to Leucadia Blvd and La Costa Ave, both of them are very contested now and we haven't seen the impact of the two approved projects. In the mornings, trying to turn right on to Leucadia Blvd, from Urania, even on a green light, is difficult. Cars back up into the intersection. 271 parking spaces is not enough. There is no parking on Plato or Piraeus. Every unit will have at least two cars. Where is the overflow going to park? The city allowed a park, on Olympus, to be put in without adequate parking on a street unable to accomodate the extra traffic. Please don't let this happen on Plato Place. People have bought homes in this area because they like the rural feel. To change zoning from 8 to 25 is just not right. This project will negatively change the character of our community and our quality of life. Thank you, Terri Turner Richer

Sent from my iPhone

38-3

Comment Summary:

The commenter expresses concern over increased traffic congestion as a result of project implementation especially when considered in conjunction with two other approved, but not yet completed, projects in the area (Weston property and Dram and Echter). The commenter feels that Leucadia Boulevard and La Costa Avenue are already congested, and these projects would exacerbate such conditions.

Response:

Please refer to Master Response 1. The Local Transportation Analysis prepared for the project (Intersecting Metrics 2022) considered the two projects mentioned by the commenter in the cumulative analysis. Cumulative impacts, when considered with the proposed project, were determined to not adversely degrade the existing circulation system, and no offsite roadway or intersection improvements are required or proposed. Refer also to EIR Section 3.12, Transportation.

38-4

Comment Summary:

The commenter feels that the proposed number of onsite parking spaces is not sufficient and expresses concern over where overflow parking would be accommodated.

Response:

Please refer to Master Response 1.

38-5

Comment Summary:

The commenter feels that the proposed project would have adverse impacts on the existing rural character of the neighborhood and quality of life of existing residents. The commenter states “to change zoning from 8 to 25 is just not right.”

From: Terri Richer <terriricher3@gmail.com>
Sent: Monday, February 6, 2023 10:16 AM
To: Nick Koutoufidis
Subject: Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

I'm writing this letter with my concerns about the Piraeus Point project. I've lived in this rural part of Encinitas for over 60 years. My 99 year old father lives on Plato Place and I live on Normandy Hill Lane. We both will be impacted by this project. My father counts 50 cars going to Capri school in the mornings, up Plato Place, which is a narrow street with no parking and no sidewalks. Adding another 149 homes, we could have another 100 cars each morning and afternoon. This is a rural area and the streets aren't conducive to this kind of traffic. Three story buildings are not conducive to this neighborhood. A tremendous amount of dirt will need to be removed. Dump truck exhaust, dirt, and noise pollution will negatively impact wildlife and residence for months. My father occasionally has cranes in his yard but with this project I doubt they will come around anymore. I feel like the impact of increase housing density is not being considered in the city's bid to add new housing. There are two projects, the Weston property (La Costa Ave) and the Dram and Echter(Leucadia Blvd) that have been approved but not completed. Adding another project with additional cars and traffic will congest Piraeus and impede access to Leucadia Blvd and La Costa Ave, both of them are very contested now and we haven't seen the impact of the two approved projects. In the mornings, trying to turn right on to Leucadia Blvd, from Urania, even on a green light, is difficult. Cars back up into the intersection. 271 parking spaces is not enough. There is no parking on Plato or Piraeus. Every unit will have at least two cars. Where is the overflow going to park? The city allowed a park , on Olympus, to be put in without adequate parking on a street unable to accomodate the extra traffic. Please don't let this happen on Plato Place. People have bought homes in this area because they like the rural feel. To change zoning from 8 to 25 is just not right. This project will negatively change the character of our community and our quality of life. Thank you, Terri Turner Richer

38-1
38-2
38-3
38-4
38-5

Sent from my iPhone

Response:

The project has been designed with applicable zoning and local design regulations to ensure consistency with the type of development intended by the City for the subject property. The project is subject to the City’s discretionary review process to ensure conformance with such standards and to protect the local setting. The commenter’s reference to a change in zoning is unclear; no change in existing zoning that applies to the property is required or proposed to allow for project implementation. All comments provided are noted for the record.

From: Jason Riggs <jason.riggs@gmail.com>
Sent: Thursday, February 2, 2023 5:09 PM
To: Nick Koutoufidis
Subject: Re: Piraeus Point Development Concerns

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

760.633.2692

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Hello,

As a resident of Leucadia who has lived very close to where the Piraeus Point Development is being proposed, I'm writing to share my concerns.

We have lived in the area for almost 20 years and while there have been a lot of changes over the years, this one is the most concerning for the following reasons.

1. The project is much too large and completely out of character with the community
2. Traffic, parking and safety concerns have not been adequately addressed
3. It will have a negative impact on our air, water and natural resources in Encinitas due to the scale and scope of the project.

The following are areas of the Encinitas Land Use Element that would be violated should this project be approved as is:

Land Use Element:

https://encinitasca.gov/Portals/0/City%20Documents/Documents/Development%20Services/Planning/Advanced%20Planning/Housing%20Plan%20Update%202018/Environmental%20Assessment%20-%20May%202018/Appdx%20E%20_Relevant%20GP%20Policies.pdf

2. 1. 1. Protect our natural resources such as lagoons, watershed, riparian, and wildlife habitat, natural vegetation, bluffs, and hillsides for our lives, our children's lives and future generations.

1

39 Jason Riggs

39-1

Comment Summary:

The comment is an introductory statement. The commenter indicates they have lived in the vicinity of the project site for almost 20 years and states that the project is “concerning” as proposed.

Response:

The comment does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. Refer to subsequent comments below.

39-2

Comment Summary:

The commenter believes that the proposed project is too large and out of character with the community.

Response:

Please refer to Master Response 4.

39-3

Comment Summary:

The commenter feels that impacts to traffic, parking, and public safety are not properly addressed in the EIR.

Response:

Public safety and transportation-related impacts are adequately analyzed in Section 3.7, Hazards and Hazardous Materials, and Section 3.12, Transportation, of the EIR. Please refer to Master Response 1.

39-4

Comment Summary:

The commenter feels that the project would negatively impact air, water, and natural resources in the City due to the scope and scale of the project as proposed.

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

2 . 1 . 3 . Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

2 . 1 . 4 . Preserve our community's zoning and property rights in perpetuity, if we so choose.

This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection of the community's shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

*Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services. (Coastal Act/30250)

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252

Land Use Element (continued)

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid- range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid- range buildout density overall.

*Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)

Circulation Element:

file:///C:/Users/Dennis%20Kaden/Downloads/Circulation_Element-5.pdf

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Sincerely,

Jason Riggs

1755 Gascony Rd.

Encinitas, CA 92024

39-5
cont'd

39-6

39-7

Response:

Impacts to air quality, biological resources, and hydrology/water quality have been adequately analyzed in Sections 3.2, 3.3, and 3.8 of the EIR, respectively. Mitigation measures have been applied, as appropriate, to reduce potentially significant impacts to these resources to a less than significant level. The commenter does not provide specific concerns relative to impacts that may occur to such resources. No further response is required.

39-5

Comment Summary:

The commenter lists various policies from the General Plan Land Use Element and asserts that the project as proposed would violate these policies.

Response:

The commenter does not provide specifics on how the project would “violate” such policies nor raise an issue specific to the provisions to CEQA or to the findings of the EIR. No further response is required.

39-6

Comment Summary:

The commenter references an unknown “measure” and indicates that the measure does not limit development that is currently permitted under existing property rights, and rather, entrusts protection of the community’s shared property rights to voters of the City, including final approval on proposed increased zoning densities.

Response:

It is unclear what “measure” the commenter is referring to. This comment does not raise environmental concerns pursuant to the provisions of CEQA. The City will consider project consistency with the City’s General Plan and Zoning Ordinance, as applicable, when evaluating whether to approve the project as proposed. The project site is subject to the R-30 overlay zone, and does not require any changes to the existing zoning to allow for development as proposed.

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

2 . 1 . 3 . Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

2 . 1 . 4 . Preserve our community's zoning and property rights in perpetuity, if we so choose.

This measure does not limit development as currently permitted under existing vested property rights of land owners. It entrusts the protection of the community's shared property rights, including the final approval on proposed increased zoning densities, to the majority vote of the Voters of Encinitas.

*Policy 2.3: Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services. (Coastal Act/30250)

Policy 2.10: Development shall not be allowed prematurely, in that access, utilities, and services shall be available prior to allowing the development. (Coastal Act/30252)

Land Use Element (continued)

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid- range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid- range buildout density overall.

*Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)

Circulation Element:

file:///C:/Users/Dennis%20Kaden/Downloads/Circulation_Element-5.pdf

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Sincerely,

Jason Riggs

1755 Gascony Rd.

Encinitas, CA 92024

39-5
cont'd

39-6

39-7

39-7

Comment Summary:

The commenter lists various policies from the General Plan Land Use Element.

Response:

The commenters provide a list of goals and policies from the Land Use Element of the General Plan. No specific comments as how such goals and policies relate to specific concerns regarding the project as proposed are indicated. The City will consider project consistency with the General Plan as part of the discretionary process and such findings will be considered when evaluating whether to approve the project as proposed. The comments provided do not raise environmental concerns pursuant to the provisions of CEQA.

TO: Nicholas Koutoufidis
Development Services Department
City of Encinitas
565 S. Valero Ave.
Encinitas, CA 92024

January 29, 2023

RE: PROJECT NAME: Piraeus Point
Case Number: MULTI-005158-2022; CDP-005161-2022;
DR-005160-2022; SUB-005159-2022;
SUB-005391-2022
Applicant: Lennar Homes of California, LLC

I have lived in the beautiful beach town of Encinitas for almost thirty years. I am extremely concerned - for many reasons - about the proposed construction project of Piraeus Point.

1. TRAFFIC/TRANSPORTATION

A. Traffic is already a problem which will be amplified by 149 more families in the immediate neighborhood. Extreme pressure points exist at:

- 1) Piraeus & La Costa Ave
- 2) Urania & Leucadia Blvd.
- 3) Capri Elementary School - 7th & 8th AM and 2nd & 3rd PM.

Caulder, Piraeus, Plato, Capri, Laxey, Urania, Normandy - would all need to have lanes added... and this appears to be impossible.

40 Patricia Rodgers

40-1

Comment Summary:

The commenter indicates that they have lived in the City for almost 30 years and notes that she has concerns regarding the proposed project.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

40-2

Comment Summary:

The commenter asserts that the project would exacerbate existing traffic issues in the surrounding area, particularly at Piraeus Street and La Costa Avenue; Urania Avenue and Leucadia Boulevard; and Capri Elementary School in the mornings and afternoons. The commenter feels that lane would need to be added to local roadways but does not believe this to be possible.

Response:

Please refer to Master Response 1.

B. No public transportation is available within required walking or parking distance.

40-3

2. SAFETY

A. Capri School cannot accommodate a possible increase of 300 more students (149 units x 2 children). There are no existing sidewalks nor the possibility of creating them.

40-4

B. Fire Emergency Evacuation: If evacuation is necessary the addition of 149 more families to the immediate neighborhood would prohibit safe and efficient evacuation along the existing routes.

40-5

3. PARKING

A. Not enough parking spaces are being allocated for the project. Each of the 149 units may have two or more cars... plus visitors, deliveries, and emergency vehicles.

40-6

B. There is no room for safe and acceptable parking on the adjacent streets of Piraeus, Clats and Calador.

40-7

4. SCENIC CORRIDOR / WILDLIFE

A. Design height and massiveness conflict with surroundings and existing character of this important neighborhood.

40-8

40-3

Comment Summary:

The commenter indicates that public transportation is not available "within required walking or parking distance."

Response:

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

40-4

Comment Summary:

The commenter feels that Capri Elementary School does not have the capacity for an additional 300 students that would attend the school as a result of project implementation and expresses safety concerns due to the lack of sidewalks in the area.

Response:

Please refer to Master Responses 1 and 2.

40-5

Comment Summary:

The commenter feels that adding an additional 149 families to the neighborhood would hinder safe emergency evacuation along existing evacuation routes.

Response:

Please refer to Master Response 1.

40-6

Comment Summary:

The commenter feels that the project does not propose a sufficient amount of parking for residents, visitors, deliveries, and emergency vehicles.

Response:

Please refer to Master Response 1.

- B. No public transportation is available within required walking or parking distances. 40-3
2. SAFETY
- A. Capri School cannot accommodate a possible increase of 300 more students (149 unit X 2 children). There are no existing sidewalks nor the possibility of creating them. 40-4
- B. Fire Emergency Evacuation: If evacuation is necessary the addition of 149 more families to the immediate neighborhood would prohibit safe and efficient evacuation thru the existing routes. 40-5
3. PARKING
- A. Not enough parking spaces are being allocated for the project. Each of the 149 units may have two or more cars... plus visitors, deliveries, and emergency vehicles. 40-6
- B. There is no room for safe and acceptable parking on the adjacent streets of Piraeus, Plato and Caudor. 40-7
4. SCENIC CORRIDOR / WILDLIFE
- A. Design height and massiveness conflict with surroundings and existing character of this important neighborhood. 40-8

40-7

Comment Summary:

The commenter feels that Piraeus Street, Plato Place, and Caudor Street do not have room for street parking.

Response:

Please refer to Master Response 1.

40-8

Comment Summary:

The commenter asserts that the proposed project is not compatible with the surroundings and character of the surrounding neighborhood.

Response:

Please refer to Master Response 4.

B. This property is part of the "Big Bluff" established for the preservation of wildlife including the beloved "Pah Catfish" which will be inevitably displaced.

40-9

C. Is the "sloping" proposed in the design plan truly feasible and safe??

40-10

5. AIR QUALITY

A. Due to proximity to highway pollution production from both chemicals and the noise factor - NO WINDOWS WILL BE CAPABLE OF BEING OPENED! They will be sealed shut. Who wants to live in this beautiful area by the beach and lagoon and not be able to open their windows to the sunshine and fresh ocean air??

40-11

B. Recreational activity will be subjected to the roof tops of the 3 story structures - providing a huge increase of unwanted noise, light, and disruption.

40-12

With sincerity and respect, I request that you consider the concerns and objections outlined above. Please help us preserve our beloved community.

40-13

Sincerely,
Patricia Godwin
1533 Coastal Dr.
Encinitas CA 92024

360 North 29th St. 760-815-8154

40-9

Comment Summary:

The commenter notes the project site is part of the "Big Bluff," which was designated for the preservation of wildlife, and feels that project would result in the displacement of California gnatcatcher.

Response:

Refer to Response 1B-5.

40-10

Comment Summary:

The commenter questions if the proposed sloping for the project is feasible and safe.

Response:

EIR Appendix G-1, Geotechnical Investigation, provides an evaluation of the geologic stability of the site and the potential for any geologic instabilities to occur with development as proposed. Recommendations are identified in the report to ensure geological stability and public safety during project construction and over the long term. No adverse geologic effects are anticipated with development of the site as proposed with incorporation of the recommendations provided.

40-11

Comment Summary:

The commenter feels that residents of the project site would not be able to open their windows due to chemicals and noise originating from the freeway, which will hinder residents' ability to experience the sunshine and ocean air.

Response:

Please refer to Response 4A-6. Impacts relative to air quality would be reduced to less than significant with incorporation of mitigation measures proposed.

B. This property is part of the "Big Bluff" established for the preservation of wildlife including the beloved "Pah Cation" which will be inevitably displaced.
C. Is the "sloping" proposed in the design plan truly feasible and safe??

40-9

40-10

5. AIR QUALITY

A. Due to proximity to highway pollution production from both chemicals and the noise factor - NO WINDOWS WILL BE CAPABLE OF BEING OPENED! They will be sealed shut. Who wants to live in this beautiful area by the beach and lagoon and not be able to open their windows to the sunshine and fresh ocean air??
B. Recreational activity will be subjected to the rooftop of the 3 story structures - providing a huge increase of unwanted noise, night lighting and disruption.

40-11

40-12

With sincerity and respect, I request that you consider the concerns and objections outlined above. Please help us preserve our beloved community.

40-13

Sincerely,
Patricia Godwin
1533 Canby St.
Encinitas CA 92024
360month@aol.com 760-815-8154

40-12

Comment Summary:

The commenter states that recreational amenities provided in the form of rooftop decks would result in an increase in unwanted noise, nighttime lighting, and disruption.

Response:

Please refer to Master Response 3.

40-13

Comment Summary:

The commenter asks that the City consider the previously mentioned concerns and help to preserve the community.

Response:

This comment is a conclusion and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

From: Candice Shine <candice.shine@gmail.com>
Sent: Friday, February 3, 2023 3:39 PM
To: Nick Koutoufidis
Subject: EIR comments for Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Good afternoon Mr. Koutoufidis,

Just want to make sure you are in receipt of my comments
I sent 2 days ago.

Please confirm.

Thank you,
Candice Shine

41A-1

41A Candice Shine

41A-1

Comment Summary:

The commenter asks that the City confirm receipt of their comments that were sent previously.

Response:

The City confirms that they received the commenter's submissions on February 1, 2023, as summarized in Letter 41B below.

From: Candice Shine <candice.shine@gmail.com>
Sent: Wednesday, February 1, 2023 11:32 AM
To: Nick Koutoufidis
Subject: Piraeus Point Environmental Review comments

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Mr. Koutoufidis,

EIR response.

Traffic:

We are very opposed to the Piraeus Point Project as it relates to transportation and Fire/Emergencies.

With an additional 894 vehicle ADT (average daily trips – provided information by developer) for this project without any new or revised street (s) infrastructure is ludicrous, dangerous and irresponsible.

No stop lights. No stop signs = traffic accidents for current residences using Piraeus and for the new 755 Piraeus Point residences (considering each Piraeus Point residence has a vehicle). This will put the City of Encinitas liable for accidents and or deaths due to their lack of this responsibility for the safety of their citizens.

Does the City plan on any stop lights or stop signs at Plato and Piraeus?

The traffic study provided to the City of Encinitas cannot be accurate in the section of LOS (Level of Service). La Costa Ave in both directions (East and West) are already at a standstill morning, noon and night. Current residences using Piraeus to get to the 5 freeway via La Costa will sit through several light changes before accessing La Costa. In addition, there is no direct access from Piraeus to Leucadia Blvd to the 5 north and south bound freeway. All vehicles go through back streets to access Leucadia Blvd.

Does the City plan on re-opening access to Leucadia Blvd from Piraeus?

When there is an accident on the 5-freeway northbound before or between Leucadia Blvd. and La Costa Ave., Piraeus becomes the 'go around' street impacting current residences with lines of cars lined up on Piraeus. This tie up will become the norm if Piraeus Point is approved without any safety or infrastructure changes.

Does the City plan on making changes to the signal lights intervals at La Costa Ave and Piraeus to allow more than 5 cars from Piraeus to enter La Costa west bound to get access to interstate 5 north and south?

Fire and Emergency:

With only one way in and one way out on Piraeus for residents, puts them in dire straits in the event of an evacuation event.

Will the City request the developer to change the emergency gate on Plato to be capable of opening for the residents to vacate in the event of an emergency?

This will again put the City of Encinitas liable for injury or deaths due to their lack of safety of their citizens.

41B Candice and Randy Shine (Venier)

41B-1

Comment Summary:

The commenters express their opposition to the proposed project related to transportation and fire/emergencies concerns.

Response:

This comment is an introduction and provides context for subsequent discussion provided within the comment letter. No further response is required.

41B-2

Comment Summary:

The commenters restate the opposition for the proposed project, indicating that the project generates 894 vehicle trips with no new or revised street infrastructure proposed, including the provision stop lights or stop signs. The commenters state that the project proposes 755 residences, and that such development would make the City liable for accidents and deaths due to a lack of safety. The commenters ask if the City plans to make various roadway improvements in the vicinity of the project site (installation of stop lights/stop signs; reopening of Piraeus Street; and signal timing at Piraeus Street/La Costa Avenue) and assert that the LOS analysis prepared for the project is inaccurate.

The commenters also assert that the LOS analysis prepared for the project is in error with consideration of current traffic congestion experienced on Piraeus Street and La Costa Avenue, in particular with the lack of direct access from Piraeus Street to I-5.

Response:

Please refer to Master Response 1. Based on the Local Transportation Analysis prepared for the project (Intersecting Metrics 2022), the addition of project-generated traffic on local streets and at local intersections would not substantially degrade circulation or traffic flows, and no roadway or intersection improvements are required as a result of project implementation.

41B-1

41B-2

41B-3

Preface and Responses to Comments

From: Candice Shine <candice.shine@gmail.com>
Sent: Wednesday, February 1, 2023 11:32 AM
To: Nick Koutoufidis
Subject: Piraeus Point Environmental Review comments

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

Dear Mr. Koutoufidis,

EIR response.

Traffic:

We are very opposed to the Piraeus Point Project as it relates to transportation and Fire/Emergencies.

With an additional 894 vehicle ADT (average daily trips – provided information by developer) for this project without any new or revised street (s) infrastructure is ludicrous, dangerous and irresponsible.

No stop lights. No stop signs = traffic accidents for current residences using Piraeus and for the new 755 Piraeus Point residences (considering each Piraeus Point residence has a vehicle). This will put the City of Encinitas liable for accidents and or deaths due to their lack of this responsibility for the safety of their citizens.

Does the City plan on any stop lights or stop signs at Plato and Piraeus?

The traffic study provided to the City of Encinitas cannot be accurate in the section of LOS (Level of Service). La Costa Ave in both directions (East and West) are already at a standstill morning, noon and night. Current residences using Piraeus to get to the 5 freeway via La Costa will sit through several light changes before accessing La Costa. In addition, there is no direct access from Piraeus to Leucadia Blvd to the 5 north and south bound freeway. All vehicles go through back streets to access Leucadia Blvd.

Does the City plan on re-opening access to Leucadia Blvd from Piraeus?

When there is an accident on the 5-freeway northbound before or between Leucadia Blvd. and La Costa Ave., Piraeus becomes the 'go around' street impacting current residences with lines of cars lined up on Piraeus. This tie up will become the norm if Piraeus Point is approved without any safety or infrastructure changes.

Does the City plan on making changes to the signal lights intervals at La Costa Ave and Piraeus to allow more than 5 cars from Piraeus to enter La Costa west bound to get access to interstate 5 north and south?

Fire and Emergency:

With only one way in and one way out on Piraeus for residents, puts them in dire straits in the event of an evacuation event.

Will the City request the developer to change the emergency gate on Plato to be capable of opening for the residents to vacate in the event of an emergency?

This will again put the City of Encinitas liable for injury or deaths due to their lack of safety of their citizens.

41B-1

41B-2

41B-3

No new stop lights or stop signs are required or proposed, and the project is not anticipated to decrease public safety in the vicinity. The commenters erroneously state that the project would result in 755 new residences; the project proposes 149 condominium townhomes.

Traffic congestion and LOS are not topics of environmental concern relative to CEQA. The LOS analysis prepared for the project is considered to be accurate and the findings sound. The LOS analysis does not identify the need for revisions to signal timing at the Piraeus Street/La Costa Avenue intersection to improve traffic flows as a result of project implementation.

The City acknowledges the commenters' concern relative to the reopening of Piraeus Street to allow vehicular access to Leucadia Boulevard and ultimately I-5. The City will consider such comments in evaluating whether to approve the project. Such comments do not raise an issue of environmental concern relative to CEQA.

41B-3

Comment Summary:

The commenters express concern regarding emergency response because emergency vehicles would park onsite and prevent residents of the project from evacuating. The commenters state that having only one ingress and egress point along Piraeus Street with the proposed project poses safety concerns during emergency evacuation.

Response:

Refer to Response 7-1. It is not anticipated that emergency vehicles would block residents from being able to safely exit the project site in the event of an emergency or an evacuation. The project has been designed in conformance with applicable City and fire department design standards to ensure that adequate circulation and ingress/egress is maintained. The access drive at Plato Place would be gated and would be restricted to use by emergency vehicles only.

In conclusion, the City of Encinitas should scale this project BACK by 50%, provide street stop sign or stop lights at the intersection of Plato and Piraeus, open Piraeus up to Leucadia Blvd. to provide an additional access to interstate 5 north and south bound, adjust the traffic signal lights interval at Piraeus and La Costa and provide the additional Plato access to residences.

Sincerely,

Candice and Randy Venier
Homeowners in the Monte Mira development off Sky Loft Rd.

41B-4

41B-4

Comment Summary:

The comments provided are in summary; refer to the responses above. The commenters also suggest that the project be reduced by half.

Response:

Please refer to Master Response 1 and Responses 41B-2 to 41B-3, above. The commenters do not substantiate the request to reduce the project as proposed by half.

From: Susan Shoemaker <spowershoe@gmail.com>
Sent: Sunday, February 5, 2023 3:02 PM
To: Nick Koutoufidis
Cc: Susan Shoemaker
Subject: Re: Piraeus Point Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis

Development Services Department
 505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Mr. Koutoufidis:

We are very much opposed to this project. It will absolutely change the nature of Piraeus St. The traffic will be far greater and the road, especially at that point, is on a hill here the visibility of oncoming traffic is difficult and dangerous. It appears this project may be in violation of some of our current policies:

Land Use Element:

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid- range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid- range buildout density overall.

**Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)*

Circulation Element:

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Our concern is the increased traffic around the school area and surrounding communities. In addition, will you not be forced to disrupt the flow of the current iris with stop signs or traffic lights?

Please consider this and do not approve this project.
 Sincerely,

Brad and Susan Shoemaker
 1855 Amalfi Dr
 Encinitas, CA 92024

42-1

42-2

42-3

42-4

42 Susan and Brad Shoemaker

42-1

Comment Summary:

The commenters express their opposition to the project because it would alter the nature of Piraeus Street, would increase traffic, and would be located in an area where visibility of oncoming traffic is difficult.

Response:

Please refer to Master Responses 1 and 4. All proposed access drives for the project have been designed in accordance with City engineering design standards and would meet site distance requirements to ensure that safe ingress/egress is provided and public safety is maintained along affected roadways.

42-2

Comment Summary:

The commenters state that the project may be in violation of current City General Plan policies and cite goals and policies from the Land Use and Circulation Elements.

Response:

The commenters do not indicate how the project may be in violation of the General Plan goals and policies identified. The City will evaluate the project as proposed to determine consistency with relevant General Plan goals and policies in determining whether or not to approve the proposed project. The comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

42-3

Comment Summary:

The commenters express concern regarding increased traffic near schools and in the surrounding community and ask whether the City would be “forced to disrupt the flow of the current iris with stop signs or traffic lights.”

From: Susan Shoemaker <spowershoe@gmail.com>
Sent: Sunday, February 5, 2023 3:02 PM
To: Nick Koutoufidis
Cc: Susan Shoemaker
Subject: Re: Piraeus Point Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Mr. Koutoufidis:

We are very much opposed to this project. It will absolutely change the nature of Piraeus St. The traffic will be far greater and the road, especially at that point, is on a hill here the visibility of oncoming traffic is difficult and dangerous. It appears this project may be in violation of some of our current policies:

Land Use Element:

2 . 1 . 2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

Policy 3.1: For purposes of growth management, to ensure that existing desirable community character is maintained and to ensure that facilities planning is economical and comprehensive, the ultimate buildout figure for residential dwelling units will be determined by utilizing the total mid- range density figure of the Land Use Element, which shall be derived from the total of all land use acreage devoted to residential categories, assuming a mid- range buildout density overall.

**Policy 6.6: The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and nonresidential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance. (Coastal Act/30251/30252/30253)*

Circulation Element:

Policy 2.4: When considering circulation patterns and standards, primary consideration will be given to the preservation of character and safety of existing residential neighborhoods. When conflicts arise between convenience of motorists and neighborhood safety/community character preservation, the latter will have first priority.

Our concern is the increased traffic around the school area and surrounding communities. In addition, will you not be forced to disrupt the flow of the current iris with stop signs or traffic lights?

Please consider this and do not approve this project.
Sincerely,

Brad and Susan Shoemaker
1855 Amalfi Dr
Encinitas, CA 92024

Response:

Please refer to Master Responses 1 and 2. Based on the Local Transportation Analysis prepared for the project (Intersecting Metrics 2022), the addition of project-generated traffic on local streets and at local intersections would not substantially degrade circulation or traffic flows, and no roadway or intersection improvements are required as a result of project implementation. No new stop lights or stop signs are required or proposed, and the project is not anticipated to decrease public safety in the vicinity of the project or area schools.

42-4

Comment Summary:

The commenters request that the City consider the comments provided and to deny the project.

Response:

This comment is in conclusion and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR.

42-1

42-2

42-3

42-4

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Mr. Nick Koutoufidis

I would like to express my opposition to this three story 149 unit project on many levels. I have lived in this neighborhood for many years, have raised two sons here and feel like I can speak to this from experience.



Date: 2/6/2023

43-1

- **Potential Accidents!** On 2/4/2023, I was stopped on Piraeus Road -North bound, taking a left on Plato Place Road to turn into the neighborhood. There were many cars turning out from Plato Place road, several cars stopped South-bound on Piraeus Road with a few turning right into the neighborhood. I looked in my rearview mirror and saw a truck barreling North-bound about 4-50ft. behind me going about 60+mph. He saw me stopped to wait for my turn to turn and locked up his brakes and fish-tailed. Luckily, I noticed and made a very quick decision to step on the gas and chose to maybe T-bone a car turning or to get plowed from behind going 60mph. I bring this up because traffic on Piraeus Road going both directions is very dangerous and many people use it as either a bypass to I-5 to avoid traffic or just see an open road and fly down the road. Traffic continues to be a difficulty, unsafe and will become worse if this development goes in. Southbound has hills with blind spots and houses where people are turning into their driveways and no way to know this if a car is flying south at high speeds. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.
- **Capri Elementary & parent pick up /drop off times.** Piraeus Road also is an entrance & exit for people to pick up their children at Capri Elementary School. This road is very busy during these times and many people feel rushed to get to school to pick up their children. If you witness school times for pick up around 2PM until about 3:15PM, there is a line down Capri Road and continues for about 200 yards down Caudor Street. This line blocks any traffic trying to turn South bound at the intersection of Caudor Street and Capri Road. This is a major factor in traffic in this area!
- **Unnecessary Grading:** The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.
- **Biology-Conservation:** Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

43-2

43-3

43-4

43-5

43 Mark and Sara Shotton

43-1

Comment Summary:

The commenters indicate that they have resided in the neighborhood for many years and state their opposition to the proposed project.

Response:

This comment is introductory; refer to subsequent comments provided below for additional discussion. No further response is required.

43-2

Comment Summary:

The commenter expresses concerns regarding existing dangerous conditions on local roadways, such as Piraeus Street and Urania Avenue, that would worsen with implementation of the proposed project. The commenter feels that this is a safety concern for vehicles and pedestrians.

Response:

Please refer to Master Response 1. The City acknowledges the commenters' concern relative to the reopening of Piraeus Street to allow vehicular access to Leucadia Boulevard and ultimately I-5, and the travel patterns of vehicles through the local neighborhood to get to Leucadia Street under such conditions. The City will consider such comments in evaluating whether to approve the project. Such comments do not raise an issue of environmental concern relative to CEQA.

43-3

Comment Summary:

The commenter expresses concerns regarding traffic congestion and queueing during Capri Elementary School pick up and drop off times, particularly on Piraeus Street, Capri Road, and Caudor Street.

Response:

Please refer to Master Response 1.

To: Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024



Date: 2/6/2023

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Mr. Nick Koutoufidis

I would like to express my opposition to this three story 149 unit project on many levels. I have lived in this neighborhood for many years, have raised to sons here and feel like I can speak to this from experience.

43-1

- **Potential Accidents!** On 2/4/2023, I was stopped on Piraeus Road -North bound, taking a left on Plato Place Road to turn into the neighborhood. There were many cars turning out from Plato Place road, several cars stopped South-bound on Piraeus Road with a few turning right into the neighborhood. I looked in my rearview mirror and saw a truck barreling North-bound about 4-50ft. behind me going about 60+mph. He saw me stopped to wait for my turn to turn and locked up his brakes and fish-tailed. Luckily, I noticed and made a very quick decision to step on the gas and chose to maybe T-bone a car turning or to get plowed from behind going 60mph. I bring this up because traffic on Piraeus Road going both directions is very dangerous and many people use it as either a bypass to I-5 to avoid traffic or just see an open road and fly down the road. Traffic continues to be a difficulty, unsafe and will become worse if this development goes in. Southbound has hills with blind spots and houses where people are turning into their driveways and no way to know this if a car is flying south at high speeds. Piraeus no longer allows direct access to Leucadia Boulevard. Traffic must infiltrate through unimproved narrow neighborhood streets never intended to carry such a burden getting to Leucadia Boulevard. Urania is narrow and has many private driveways. This is a safety issue for pedestrians as well as vehicles.
- **Capri Elementary & parent pick up /drop off times.** Piraeus Road also is an entrance & exit for people to pick up their children at Capri Elementary School. This road is very busy during these times and many people feel rushed to get to school to pick up their children. If you witness school times for pick up around 2PM until about 3:15PM, there is a line down Capri Road and continues for about 200 yards down Caudor Street. This line blocks any traffic trying to turn South bound at the intersection of Caudor Street and Capri Road. This is a major factor in traffic in this area!
- **Unnecessary Grading:** The slope is greater than 25% and should not be cut into. The site is in the Scenic Visual Corridor and should be protected, not carried away in thousands of dump trucks. 40 foot retaining walls are preposterous for this site. Do not allow Lennar to eliminate the slope and remove 60,000 cubic yards of soil from the project site.
- **Biology-Conservation:** Cutting into/Removal of the slope and the 60,000 cubic yards of soil will destroy/remove virtually all native vegetation and wildlife. The Encinitas Climate Action Plan will be very upset with such an invasion of what is now a site screaming for fauna/flora preservation. Such a severe process just to get 15 low income units.

43-2

43-3

43-4

43-5

43-4

Comment Summary:

The commenter feels that the onsite steep slopes should not be graded but should rather be protected due to the site's location within a Scenic Visual Corridor. The commenter also states opposition to the proposed 40-foot retaining walls.

Response:

Refer to Response 10-2.

43-5

Comment Summary:

The commenter asserts that the amount of soil removed associated with impacts to steep slopes would adversely affect native vegetation and wildlife on the project site. The commenter feels that this would be in conflict with the City's Climate Action Plan.

Response:

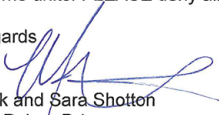
Refer to Response 10-3.

Preface and Responses to Comments

- **Underground the Utilities:** Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass!
- **Parking is severely lacking.** Parking is already an issue in this part of the neighborhood! We constantly have cars jammed along Caudor Street to Palaro Drive because of many of the ADU's that do not have enough parking in their driveways. Also, the new parking ordinance should not dictate additional parking since 90% of the houses should not be allowed to have the same ordinance as the low income ones. How will you prevent PP residents from invading the neighboring streets for over-night parking? IT IS ALREADY HAPPENING!
- Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular.

I would like the above to be well documented because of how un-safe these roads already are! I have my family of four drivers that go up and down this road everyday and will pursue legal actions if the city and state allow this bogus plan of 10% housing to go into this neighborhood that already has traffic and parking issues. Piraeus Point does not fit in this neighborhood and certainly does not fit within the precious Scenic Visual Corridor and Gateway to our City. A bad deal for only 15 low income units. PLEASE deny all the waivers and incentives.

Regards,


Mark and Sara Shotton
808 Palaro Drive
Encinitas, CA 92024

43-6

43-6

Comment Summary:

The commenter asks that the City deny the waiver requested by the applicant to avoid the requirement to underground utilities, as the applicant was aware of "the rules, site's constraints, and cost of developing prior to getting involved with the property."

Response:

Refer to Master Response 4.

43-7

43-7

Comment Summary:

The commenter asserts that parking within the existing neighborhood is already an issue without the addition of the project, particularly along Caudor Street to Palaro Drive. The commenter asserts that "the new parking ordinance should not dictate additional parking" and that parking should not be the same for the low income units as for the remainder of the market rate units. The commenter asks how the City will prevent project residents from utilizing neighborhood streets for overnight parking.

Response:

Refer to Master Response 1.

43-8

43-8

Comment Summary:

The commenter notes concern regarding existing safety issues near Capri Elementary School and roads in its vicinity, as well as the lack of improvements proposed to address the increase in pedestrian and vehicular traffic at and near the school.

Response:

Refer to Master Response 1.

43-9

- **Underground the Utilities:** Do not allow the waiver permitting the developer to avoid undergrounding of the utility poles. Why have a requirement for new development to underground utilities, then not enforce it? Lennar knew the rules, site's constraints, and cost of developing prior to getting involved with the property, Do not give them a pass!
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- Safety issues continue to be an issue, especially for Capri Elementary and the streets surrounding it. No improvements have been made or planned to carry this projects added school traffic, pedestrian or vehicular.

43-6

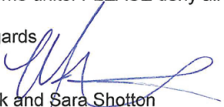
43-7

43-8

43-9

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Regards,


Mark and Sara Shotton
808 Palaro Drive
Encinitas, CA 92024

43-9

Comment Summary:

The commenter expresses their opposition to the proposed project due to unsafe roadway conditions and traffic; a lack of compatibility with the neighborhood, Scenic Visual Corridor, and Gateway to the City; and traffic and parking issues. The commenter threatens legal action against the City if the City "allows" the project at the proposed location.

Response:

This comment is in conclusion and summarizes concerns previously raised by the commenter, as addressed above.

From: Kristen Smith <kristen-jordan@cox.net>
Sent: Monday, February 6, 2023 11:47 AM
To: Nick Koutoufidis
Cc: Allison Blackwell
Subject: Piraeus Point Environmental Impact Report - Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

PLEASE ACKNOWLEDGE RECEIPT BY RETURN EMAIL.

TO: Nick Koutoufidis
 Development Services Department
 505 South Vulcan Avenue
 Encinitas, CA 92024

CC: Allison Blackwell, Council Member – District 1

Mr. Koutoufidis,
 I have serious concerns about various findings in the EIR pertaining to the proposed Piraeus Point development.

Transportation:

1. The proposed project will result in a significant increase in traffic along Piraeus, which is the only means of ingress and egress into the site.
2. Piraeus is a two lane road and is a major means of passage during emergency situations, e.g. fires.
3. Piraeus, near La Costa, will flood after heavy storms and storm runoff. Drainage in that area is poor and traffic is impacted. Since the site will be affected, what improvements are planned for the drainage in this area?
4. Piraeus needs serious traffic and safety improvements – for pedestrians, bicycle traffic and vehicles
 - a. A three-way stop sign is needed at Piraeus and Olympus, which is the site of Olympus community park.
 - b. A three-way stop is needed at Piraeus and Normandy. Piraeus is the main access road connecting to the I-5 North at Leucadia Blvd. from the surrounding neighborhood. Normandy is also a connecting road to the I-5 South at Leucadia Blvd. At the present, vehicles are making reckless, high speed turns from Piraeus onto Normandy. As a result it has become very dangerous for vehicles exiting or entering the Weidner's Gardens parking lot and for vehicles pulling out of residential driveways on Normandy.
 - c. The current speed limit on Piraeus 45 mph. For the above reasons, the speed limit should be reduced.
 - d. Currently, Piraeus is too narrow and unsafe to accommodate vehicle, bicycle and pedestrian traffic. Since the opening of Olympus Park, traffic and parking are real concerns. Sidewalks are needed along Piraeus to accommodate pedestrian traffic to the park.
 - e. There should be NO parking on Piraeus from La Costa to Leucadia Blvd. During the construction of the proposed project, there will be limited to No parking areas for construction vehicles except for Piraeus, except for Piraeus and the narrow surrounding neighborhood streets. How will this be addressed by the developer?

44-1

44-2

44-3

44-4

44-5

44 Kristen Smith

44-1

Comment Summary:

The commenter indicates that they have concerns regarding the various findings of the EIR.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

44-2

Comment Summary:

The commenter indicates that traffic along Piraeus Street, which serves as the only means of ingress/egress to/from the site, would substantially increase as a result of the proposed project.

Response:

Please refer to Master Response 1.

44-3

Comment Summary:

The commenter notes that Piraeus Street is a 2-lane road and is a major means of passage during emergency situations.

Response:

This comment is an introduction and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

44-4

Comment Summary:

The commenter notes that the drainage near Piraeus Street is poor and that this area will flood following heavy storms. The commenter asks for information regarding improvements planned for drainage in the area.

From: Kristen Smith <kristen-jordan@cox.net>
Sent: Monday, February 6, 2023 11:47 AM
To: Nick Koutoufidis
Cc: Allison Blackwell
Subject: Piraeus Point Environmental Impact Report - Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

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TO: Nick Koutoufidis
Development Services Department
505 South Vulcan Avenue
Encinitas, CA 92024

CC: Allison Blackwell, Council Member – District 1

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I have serious concerns about various findings in the EIR pertaining to the proposed Piraeus Point development.

Transportation:

1. The proposed project will result in a significant increase in traffic along Piraeus, which is the only means of ingress and egress into the site.
2. Piraeus is a two lane road and is a major means of passage during emergency situations, e.g. fires.
3. Piraeus, near La Costa, will flood after heavy storms and storm runoff. Drainage in that area is poor and traffic is impacted. Since the site will be affected, what improvements are planned for the drainage in this area?
4. Piraeus needs serious traffic and safety improvements – for pedestrians, bicycle traffic and vehicles
 - a. A three-way stop sign is needed at Piraeus and Olympus, which is the site of Olympus community park.
 - b. A three-way stop is needed at Piraeus and Normandy. Piraeus is the main access road connecting to the I-5 North at Leucadia Blvd. from the surrounding neighborhood. Normandy is also a connecting road to the I-5 South at Leucadia Blvd. At the present, vehicles are making reckless, high speed turns from Piraeus onto Normandy. As a result it has become very dangerous for vehicles exiting or entering the Weidner's Gardens parking lot and for vehicles pulling out of residential driveways on Normandy.
 - c. The current speed limit on Piraeus 45 mph. For the above reasons, the speed limit should be reduced.
 - d. Currently, Piraeus is too narrow and unsafe to accommodate vehicle, bicycle and pedestrian traffic. Since the opening of Olympus Park, traffic and parking are real concerns. Sidewalks are needed along Piraeus to accommodate pedestrian traffic to the park.
 - e. There should be NO parking on Piraeus from La Costa to Leucadia Blvd. During the construction of the proposed project, there will be limited to No parking areas for construction vehicles except for Piraeus, except for Piraeus and the narrow surrounding neighborhood streets. How will this be addressed by the developer?

44-1

44-2

44-3

44-4

44-5

Response:

Potential impacts to hydrology associated with the proposed project are adequately analyzed in Section 3.8, Hydrology and Water Quality, of the EIR. Following project construction, runoff from the majority of the site would flow to the proposed onsite storm drain system and be conveyed to the south to a proposed biofiltration basin located adjacent to Plato Place. Once the runoff is treated and stored, it would be discharged into the existing storm drain system near the very southwestern corner of the proposed project site. Runoff generated from the (generally) northernmost and western portions of the proposed project site would primarily sheet flow west towards Piraeus Street where it would be collected in a concrete ditch and discharged into an existing headwall in proximity to the northwest corner of the proposed project site.

The project proposes use of a biofiltration basin to meet the treatment and flow control requirements listed in the City of Encinitas Best Management Practices (BMP) Manual for post-construction BMPs. As shown in the *Preliminary Hydrology Study* prepared for the proposed project (Appendix I-1 of the EIR), the unmitigated peak flow from the proposed onsite drainage areas would exceed or be equivalent to flows under existing conditions. To reduce flow rates, the project design includes an onsite biofiltration basin that would provide stormwater pollutant control to meet the requirements of the San Diego RWQCB municipal stormwater permit and City Stormwater standards. The biofiltration basin would also provide mitigation for the 6-hour, 100-year storm event peak discharge. Post-development flows for all proposed onsite drainage areas would be reduced as compared to pre-development conditions.

44-5

Comment Summary:

The commenter summarizes various traffic and safety improvements that they feel should be implemented on Piraeus Street. The commenter indicates that parking will be limited or not available during construction of the project except along Piraeus Street and surrounding streets and asks how the applicant will address this.

Preface and Responses to Comments

f. With the projected increase in traffic from this project, Piraeus at Leucadia Blvd should be redesigned to allow two-way traffic onto Leucadia Blvd. When that occurs, the above improvements to Piraeus will be greatly needed.		44-5 cont'd	<p><u>Response:</u></p> <p>Please refer to Master Response 1.</p> <p>It is anticipated that all vehicles and construction equipment would be staged onsite and therefore off of adjacent public roadways.</p> <p>44-6</p> <p><u>Comment Summary:</u></p> <p>The commenter feels that providing one driveway for ingress and egress to/from Piraeus Street will create challenges for residents especially during rush hours. The commenter asks for plans to improve access to La Costa Avenue from Piraeus Street due to increased traffic.</p> <p><u>Response:</u></p> <p>Please refer to Master Response 1. The project as designed is subject to City discretionary review to ensure compliance with applicable City engineering design standards for ingress/egress. It is not anticipated (and is speculative) that vehicles associated with the development would cause substantial congestion or queueing on Piraeus street when entering/exiting. The project as designed would be adequate to accommodate vehicles accessing the site. No offsite roadway or intersection improvements as a result of project traffic are required or proposed.</p> <p>44-7</p> <p><u>Comment Summary:</u></p> <p>The commenter states that thee project site is not within walking distance of public transit or major employment areas. The commenter indicates that the proposed project is contrary to the City’s goal to implement new housing that provides easy access to public transportation and employment.</p> <p><u>Response:</u></p> <p>The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. The City will determine project consistency with the General Plan when determining whether or not to approve to project.</p>
g. The proposed project has ONE driveway for ingress and egress to/from Piraeus. This will pose significant challenges for residents and travel along Piraeus, especially during morning and afternoon “rush hours”. Right turns out of the project will almost be almost mandatory. What are the plans to improve the access onto La Costa from Piraeus with the increased traffic (e.g. left and right turn lanes on Piraeus)?		44-6	
h. The proposed project is not situated within walkable distances to public transportation and major employment areas. Therefore, residents will be dependent upon the use of their vehicles (or bicycles) for primary transportation. This seems to be contrary to the City’s desire to provide housing that is easily accessible to public transportation and employment.		44-7	
Wildfire Risk:			
1. What protections will be in place or added to mitigate the risk of wildfires in the surrounding brush areas? How will that be maintained in perpetuity following the completion of construction?		44-8	
2. Recently, property insurance carriers have deemed some areas in California with wildfire risk as uninsurable. If such is the case for the subject development, this would impact the homeowners’ association, the buyers and their mortgage lenders and the overall affordability of the homes.		44-9	
3. The developer should be required to bury all utility lines underground for aesthetics and wildfire prevention.		44-10	
The City of Encinitas is committed to increase housing, especially affordable housing. However, it has failed to recognize and plan for the infrastructure improvements needed to support our current level of explosive growth. It is irresponsible for the City to approve new projects, such as this one, without providing the additional road improvements and transportation enhancements (for pedestrians, cyclists and vehicles) that are necessary. Several months ago, then-Council member Kranz remarked that while the City’s budget for road and traffic improvements is limited, the City always looks to new developments and developer fees to assist with those outlays. The developer should be required to finance the needed infrastructure improvements around the proposed development and the City be prepared to supplement the work needed to bring the infrastructure up to safe standards.		44-11	
Thank you for your time and consideration.			
Kristen L. Smith Normandy Road			

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Thank you for your time and consideration.	
<i>Kristen L. Smith</i> <i>Normandy Road</i>	

44-8

Comment Summary:

The commenter asks how the risk of wildfires will be mitigated surrounding brush areas and how this will be maintained following construction.

Response:

Potential impacts of the proposed project relative to wildfire are adequately analyzed in Section 3.15, Wildfire, of the EIR. As disclosed in the EIR, the project would implement mitigation measure WF-1, Fire Protection Plan, to ensure that fuel modification zones are in place and properly maintained over the long term. The HOA would be responsible for ongoing fuel maintenance and the site would be subject to periodic inspection by the City to ensure compliance.

44-9

Comment Summary:

The commenter indicates that if the proposed project is deemed insurable due to wildfire risk, this would impact the homeowners' association, buyers, and mortgage lenders and the affordability of the residences.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

44-10

Comment Summary:

The commenter feels that all utility lines should be undergrounded for aesthetics and wildfire prevention.

Response:

Refer to Master Response 4.

Preface and Responses to Comments

f. With the projected increase in traffic from this project, Piraeus at Leucadia Blvd should be redesigned to allow two-way traffic onto Leucadia Blvd. When that occurs, the above improvements to Piraeus will be greatly needed.	44-5 cont'd
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Thank you for your time and consideration.	
Kristen L. Smith Normandy Road	

44-11

Comment Summary:

The commenter feels that the City should provide necessary additional road improvements and transportation enhancements when approving new projects, such as the proposed project, due to the level of growth in the area. The commenter feels that the applicant should be required to finance such improvements in the vicinity of the proposed project and that the City should supplement such work needed to improve infrastructure.

Response:

Refer to Master Response 1. The project would result in the construction of 149 residential townhomes. According to the City's General Plan Housing Element Update, the subject site could be developed with up to 206 base residential units (without application of a Density Bonus). Therefore, the project would be consistent with future development as identified in the Housing Element Update and it is not anticipated that the project would create a significant new demand on existing transportation facilities, either locally or on a regional level, due to the limited project scale. Similar to other cumulative projects considered, the project would be subject to payment of the City's transportation impact fees to ensure that area transportation facilities are adequately maintained over the long term.

Peter and Susan Soland

1081 Normandy Hill Lane
Leucadia, CA 92024
212-555-0199

Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

February 5, 2023

Re: Piraeus Point
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Mr Koutoufidis and Whom It May Concern,

My wife and I have lived in Leucadia for over 25 years, less than a mile south of the planned Piraeus Point development. We are not against development but we are against over development. During our time here we have seen many nurseries replaced with single family homes, all done with consideration for the neighborhoods in which they are built. Rezoning to allow high density projects destroys our town.

With that said we do have concerns that several Key Policy requirements in the Encinitas General Plan Piraeus Point may be in violation.

2.1.2 . Prevent the urbanization of our small town character and maintain the individual character of our five unique communities.

Why are you so intent on destroying the small town character of this area? Please do say it is to meet the requirements of the Affordable Housing Act. This has nothing to do with affordable housing. Dozens and dozens of cities and towns across this state, that love their towns the way they are, have fought against this act and refuse to blindly give in.

2 . 1. 3. Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

The single family residential zoning of northeast Leucadia was established because the infrastructure in this area cannot High density housing projects.

Do you have traffic studies for the neighborhood streets? Not taken during the last 2 years when everyone was at home.

Do you traffic studies on the neighborhood streets heading to Capri Elementary when children are being dropped off and picked up?

Do you have traffic studies that take in account both Piraeus Point and the 250 unit Fox Farm development at Leucadia Blvd and Quail Gardens Drive? Both of these developments are in the Capri Elementary district, all feeding down very small neighborhood streets.

45-1

45-2

45-3

45 Peter and Susan Soland

45-1

Comment Summary:

The commenters indicate that they have resided in Leucadia for over 25 years and live less than one mile from the project site. They express opposition to overdevelopment in the City and feel that the project site may violate several policies of the General Plan.

Response:

The comments provided are introductory and do not specify how the project would be in conflict with the General Plan. Refer to subsequent comments below for additional discussion.

45-2

Comment Summary:

The commenters provide language from the General Plan and assert that the City is intent on destroying the small town character of the area in order to comply with the Affordable Housing Act.

Response:

Please refer to Master Response 4. The project has been designed in conformance with applicable local design regulations and is consistent with the existing zoning and General Plan designations and density allowances. Provision of the very low income housing units proposed with the project, as well as how future residents qualify for such housing, would occur in accordance with applicable housing laws regulating such uses. It should be noted that the City will evaluate the project for consistency with the General Plan goals and policies in considering whether to approve the project as proposed.

The commenter does not raise an environmental issue relative to the provisions of CEQA, nor question the adequacy of the EIR. No further response is required.

Peter and Susan Soland
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Leucadia, CA 92024
212-555-0199

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Why are you so intent on destroying the small town character of this area? Please do say it is to meet the requirements of the Affordable Housing Act. This has nothing to do with affordable housing. Dozens and dozens of cities and towns across this state, that love their towns the way they are, have fought against this act and refuse to blindly give in.

2 . 1. 3. Ensure infrastructure and public benefits, such as schools, parks, roads, sewer, and water facilities, are adequately planned and funded prior to approving any increase in zoning.

The single family residential zoning of northeast Leucadia was established because the infrastructure in this area cannot High density housing projects.

Do you have traffic studies for the neighborhood streets? Not taken during the last 2 years when everyone was at home.

Do you traffic studies on the neighborhood streets heading to Capri Elementary when children are being dropped off and picked up?

Do you have traffic studies that take in account both Piraeus Point and the 250 unit Fox Farm development at Leucadia Blvd and Quail Gardens Drive? Both of these developments are in the Capri Elementary district, all feeding down very small neighborhood streets.

45-1

45-2

45-3

45-3

Comment Summary:

The commenters provide language from the General Plan and state that the infrastructure in the project area is unable to accommodate high density housing projects. The commenters also question the methodologies of the traffic studies conducted for nearby streets and when traffic counts were taken, including relative to peak traffic periods at Capri Elementary. The commenter also questions whether another area project was considered in evaluating traffic for the proposed project relative to school attendance and related traffic.

Response:

As described EIR Section 3.11, Utilities and Public Services, the project would have a less than significant impact on public services, including fire protection, police protection, schools, and other public facilities, as the project would not result in the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives, the construction of which could cause significant environmental impacts. Similarly, as described in Section 3.14 of the EIR, the proposed project would have a less than significant impact on utilities and service systems. The infrastructure in the project area is therefore sufficient to support the project at the density proposed.

Please refer to Master Response 1. The project's contribution to local traffic was evaluated in the Local Transportation Analysis (LTA) prepared for the project (Intersecting Metrics 2022). The study area considered included local streets where project-generated traffic would likely be distributed, including streets in the vicinity of Capri Elementary.

Based on the analysis provided in the LTA, the project would not have a substantial effect on the operation of any roadways or intersections within the study area identified under the Existing with Project, Near-Term with Project, and Future Year 2035 with Project scenarios. Therefore, no additional roadway or intersection improvements are needed with project implementation to alleviate the project's contribution of vehicular traffic on the local circulation system.

The streets throughout the neighborhood, from the Piraeus Point project to Capri Elementary, do not have sidewalks. Children from the ages of 5 to 11 will be walking and riding their bikes to school sharing the road with automobiles. This is a severe safety concern. You are now aware of it and the city is responsible for creating the situation and assuming the liability if someone were to get injured. It is not right having our children not feel safe on their way to school.

45-4

2 . 1. 4. *Preserve our community's zoning and property rights in perpetuity, if we so choose.*

Policy 2.3: *Growth will be managed in a manner that does not exceed the ability of the City, special districts and utilities to provide a desirable level of facilities and services. (Coastal Act/30250)*

45-5

Warm Regards,

 5 FEB 2023

 5 Feb 2023

Peter and Susan Soland

Traffic counts for the LTA were taken in February 2022. The LTA did include the Fox Point Farms project in the evaluation of cumulative effects.

45-4

Comment Summary:

The commenters express safety concerns for students walking and riding their bikes to Capri Elementary School due to the lack of sidewalks.

Response:

Please refer to Master Response 1.

45-5

Comment Summary:

The commenters provide policy language from the General Plan pertaining to zoning and property rights, in addition to managed growth.

Response:

This commenters do not provide any discussion on specific issues of concern relative to the goal and policy identified. The comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

Project Name: PIRAEUS POINT
Case Number: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; SOB-005391-2022 (CA State Clearinghouse no. 2022050516)
Applicant: Lennar Homes of CA, LLC
To: Nick Koutoufidis
 Development Services Department
 City of Encinitas

Listed below are my concerns for Lennar’s Piraeus Point project based on the EIR report.

3.9 LAND USE AND PLANNING AND 3.12 TRANSPORTATION

- **Concessions** – Lennar’s requests to eliminate the City’s undergrounding utilities requirement for existing overhead utilities, pursuant to Encinitas Municipal Code Section 23.36.120. “Undergrounding would be substantial improvement costs, and the cost savings associated with this waiver would enable the project to instead provide for deed-restricted affordable housing on-site.” *Can they quantify that?* Isn’t the Bonus Density a “bonus” to enable builders to build low income units, and be assured of sufficient profit?
- **Waiver** – Lennar’s Project requires a waiver as the project exceeds allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030. Project requires approx. 40% encroachment into steep slopes. “Without City approval the project footprint would be substantially reduced, thereby impacting the project’s ability to provide for deed-restricted affordable housing on-site.” The waiver “would allow for the development of more affordable housing units on-site.” *Again, can Lennar quantify that?* How many more units or how many less? Only 15 units out of 149 are affordable housing units. Originally the City stated they would require 25% affordable units.
- **Street Vacation** - Lennar also requests a street vacation for land, which they already included in the plan, assuming the City would approve. Lennar is asking for approval of vacating approximately 0.96 acres along Piraeus and Plato. Part of that space is necessary for ingress and egress. But they are asking for all of that space the City and citizens own for landscaping. I see that as another concession or bonus, if the City approves.
- Lennar wants a concession to avoid undergrounding utilities, existing overhead, **so they can afford building 10% affordable housing units**; Lennar also wants a waiver for 40% encroachment, **so they can build on steep slopes, and therefore build 15 affordable housing units**; Also Lennar did not put the required landscaping along Piraeus and Plato on project site, but is asking the City to vacate the land, so they could use every inch of that portion of Cannon Property, to build as many units as possible, and **afford to build those affordable units**. That is a lot to expect from the City and citizens, especially for only 10% affordable units! Lennar needs to come up with a better plan.
- The City has adopted its *Let’s Move Encinitas! Pedestrian Travel and Safe Routes to School Plan* on March 2015 to facilitate **safe biking and walking within the 2-mile area vicinity**. Is adding an estimated 894 additional ADT’s (3.12-13) providing more safety for children walking

DTW

Page 1 of 2

6 Feb 23

46 Diane T. Thompson

46-1

Comment Summary:

The commenter asks that the cost savings associated with the waiver exempting the undergrounding of utilities be quantified.

Response:

CEQA requires an analysis of physical impacts to the environment; it does not require analysis of project costs nor economic impacts. Under CEQA, “[a]n economic or social change by itself shall not be considered a significant effect on the environment” (CEQA Guidelines, Sections 15131 and 15382). Effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)). No further response is required.

46-2

Comment Summary:

The commenter asks that the applicant quantify the additional development of affordable housing units that an exceedance of allowable encroachment into steep slopes would allow. The commenter also states that the City previously indicated that 25 percent of the total units proposed would need to be affordable.

Response:

Refer to Master Response 4.

The commenter does not provide the context for the claim regarding the City’s prior request for the applicant to provide 25 percent of the total units as affordable units. The project would adhere to State Density Bonus Law by providing 15 “very low” income units (affordable to households earning no more than 50 percent of the area median income) which represents approximately 10 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 50 percent increase in unit count), the project is not proposing to utilize Density Bonus Law to increase the unit density onsite.

Project Name: PIRAEUS POINT
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- **Waiver** – Lennar's Project requires a waiver as the project exceeds allowable encroachment into steep slopes pursuant to Encinitas Municipal Code Section 30.34.030. Project requires approx. 40% encroachment into steep slopes. "Without City approval the project footprint would be substantially reduced, thereby impacting the project's ability to provide for deed-restricted affordable housing on-site." The waiver "would allow for the development of more affordable housing units on-site." *Again, can Lennar quantify that?* How many more units or how many less? Only 15 units out of 149 are affordable housing units. Originally the City stated they would require 25% affordable units.
- **Street Vacation** - Lennar also requests a street vacation for land, which they already included in the plan, assuming the City would approve. Lennar is asking for approval of vacating approximately 0.96 acres along Piraeus and Plato. Part of that space is necessary for ingress and egress. But they are asking for all of that space the City and citizens own for landscaping. I see that as another concession or bonus, if the City approves.
- Lennar wants a concession to avoid undergrounding utilities, existing overhead, **so they can afford building 10% affordable housing units**; Lennar also wants a waiver for 40% encroachment, **so they can build on steep slopes, and therefore build 15 affordable housing units**; Also Lennar did not put the required landscaping along Piraeus and Plato on project site, but is asking the City to vacate the land, so they could use every inch of that portion of Cannon Property, to build as many units as possible, and **afford to build those affordable units**. That is a lot to expect from the City and citizens, especially for only 10% affordable units! Lennar needs to come up with a better plan.
- The City has adopted its *Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan* on March 2015 to facilitate **safe biking and walking within the 2-mile area vicinity**. Is adding an estimated 894 additional ADT's (3.12-13) providing more safety for children walking

DTW

Page 1 of 2

6 Feb 23

46-1

46-2

46-3

46-4

46-5

46-3

Comment Summary:

The commenter mentions the street vacation proposed as part of the project. The commenter believes that part of the vacated area is important for ingress and egress and feels that the proposed street vacation qualifies as an additional concession or bonus.

Response:

With City approval, an approximately 0.25 acre area of Plato Place and 0.71 acres along Piraeus Street, adjacent to the project boundary, would be vacated. With approval of the vacation, approximately 0.96 acres would be added to the total (gross) acreage of the project site. The vacation requires discretionary action by the City and is not related to State Housing Density Law pertaining to the provision of affordable housing (as are the noted waivers and concessions). This comment does not raise an environmental concern relative to CEQA, nor does it address the adequacy of the EIR. No further response is required.

46-4

Comment Summary:

The commenter feels that the applicants requested waiver and incentive are "a lot to expect from the City and citizens," especially given the number of affordable units is limited to 15 units, or 10 percent.

Response:

Refer to Master Response 4.

46-5

Comment Summary:

The commenter questions if the additional average daily vehicle trips would provide greater safety for children, as it applies to goals of the 2015 *Let's Move Encinitas! Pedestrian Travel and Safe Routes to School Plan*. The commenter questions how children will travel to school safely.

Response:

Please refer to Master Response 1.

or biking to Capri Elementary School or to the Olympus Park and Playground from the Piraeus project? (3.12-12) The City's plan focuses on implementing traffic improvement near schools to encourage students to walk or bike to school. What is the plan for this project? How will the children get to school safely?

46-5
cont'd

- Following the SANDAG 2022 *Brief Guide to Vehicular Trip Generation in the San Diego Region Table 3.12-2* "the project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **Impacts would be significant and unavoidable.**)"
- **The proposed residential uses are anticipated to generate a VMT/capita of 23.7 miles, which exceeds the 85 Percent significant threshold of 16.1 miles by 7.6 miles. (3.12.13)** This is unacceptable, not unavoidable. This should not go well with SANDAG.
- Lennar states it will implement a Transportation Demand Management Program (TDM). What does this consist of? 1. "Implement Electric Bikeshare Program" working with the City. 2. Provide Community Based Travel Planning. What is that? Lennar is passing that on to the **HOA to provide residents with information of transit schedules.** The nearest bus stop is over 1 mile away and the Coaster station is over 2.5 miles, almost an hour's walk, mostly with no sidewalks. **What other alternative modes of transportation does Lennar have to offer? Currently, there aren't any other transportation modes.**
- **TDM plan assumes vehicle reductions, an increase of alternative travel modes, and better traffic management. Lennar shows no evidence of a realistic plan for these outcomes.**
- Lennar's plan for parking spaces is 42% fewer than the minimum number normally required by Encinitas Municipal Code 30.554.030, a deficit of 109 spaces. A total of only 271 parking spaces are proposed with 246 private garage spaces and only 25 additional outdoor parking spaces for residents and guests. Those 271 spaces divide into 1.8 parking spaces per unit! Most likely there will be a minimum of 300 cars, allotting 2 per unit. Where will the other cars park?! Where do guests park? Parking is not allowed on Piraeus where there are existing bike lanes. Lennar needs to provide space for ALL the cars of residents and guests.
- There is a lot of talk about alternative travel modes. There are no biking lanes in the surrounding neighborhoods of the project with the exception of Piraeus, and there aren't any sidewalks on Piraeus or connecting streets! There are only narrow and curvy roads in the surrounding area except for La Costa Avenue, which has four 55-miles per hour lanes, and does not have a pedestrian crossing.

46-6

46-7

46-8

46-9

46-10

All these concerns need to be and can be addressed by the City. They are unacceptable, not unavoidable. The City has the responsibility and the power to fix these egregious parts of Lennar's Piraeus Point plan, and to create a more realistic and safe environment for all residents.

Respectfully submitted:

Diane T. Thompson, 1615 Caudor Street, Encinitas, CA 92024. dianethompson@cox.net

DTW

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6 Feb 23

46-6

Comment Summary:

The commenter feels that the significant VMT-related impacts associated with the project, as discussed in the EIR, are unacceptable, not avoidable.

Response:

Please refer to Response 12A-1 for a full analysis describing why impacts relative to transportation would be significant and unavoidable.

46-7

Comment Summary:

The commenter requests additional information regarding the proposed TDM program and asks for other alternative modes of transportation that the applicant could offer. The commenter asserts that the applicant does not provide a realistic plan to achieve vehicle reductions, an increase of alternative travel models, and better traffic management.

Response:

Refer to EIR Appendix K and EIR Section 3.12, Transportation, for a more detailed discussion. EIR Table 3.12-4, TDM Reduction Calculation, provides a description of each available TDM measure available for use and an evaluation as to whether it would be feasible for the project to implement such a measure. As explained, only the 2 TDMs referenced by the commenter were determined to be feasible, largely due to the project location and lack of access to existing public transit in the area.

The project would provide approximately 1,100 linear feet of new sidewalk along the project frontage and would not interfere with existing bike lanes or sidewalks within the project area. Implementation of the proposed electric bike program and new resident information program (for access to public transit) would further encourage resident use of alternative modes of transportation.

or biking to Capri Elementary School or to the Olympus Park and Playground from the Piraeus project? (3.12-12) The City's plan focuses on implementing traffic improvement near schools to encourage students to walk or bike to school. What is the plan for this project? How will the children get to school safely?

- Following the SANDAG 2022 *Brief Guide to Vehicular Trip Generation in the San Diego Region Table 3.12-2* "the project would conflict and be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **Impacts would be significant and unavoidable.**)"
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- **TDM plan assumes vehicle reductions, an increase of alternative travel modes, and better traffic management. Lennar shows no evidence of a realistic plan for these outcomes.**
- Lennar's plan for parking spaces is 42% fewer than the minimum number normally required by Encinitas Municipal Code 30.554.030, a deficit of 109 spaces. A total of only 271 parking spaces are proposed with 246 private garage spaces and only 25 additional outdoor parking spaces for residents and guests. Those 271 spaces divide into 1.8 parking spaces per unit! Most likely there will be a minimum of 300 cars, allotting 2 per unit. Where will the other cars park?! Where do guests park? Parking is not allowed on Piraeus where there are existing bike lanes. Lennar needs to provide space for ALL the cars of residents and guests.
- There is a lot of talk about alternative travel modes. There are no biking lanes in the surrounding neighborhoods of the project with the exception of Piraeus, and there aren't any sidewalks on Piraeus or connecting streets! There are only narrow and curvy roads in the surrounding area except for La Costa Avenue, which has four 55-miles per hour lanes, and does not have a pedestrian crossing.

All these concerns need to be and can be addressed by the City. They are unacceptable, not unavoidable. The City has the responsibility and the power to fix these egregious parts of Lennar's Piraeus Point plan, and to create a more realistic and safe environment for all residents.

Respectfully submitted:

Diane T. Thompson, 1615 Caudor Street, Encinitas, CA 92024. dianethompson@cox.net

DTW

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6 Feb 23

46-5
cont'd

46-6

46-7

46-8

46-9

46-10

46-8

Comment Summary:

The commenter questions the amount of onsite parking being provided with the proposed project, suggesting that the project is under-parked. The commenter asks where guests would park and notes that parking is prohibited on Piraeus Street where there are existing bike lanes.

Response:

Please refer to Master Response 1.

46-9

Comment Summary:

The commenter notes the lack of bike lanes and sidewalks in the vicinity of the project as this relates to discussions on alternative travel modes. The commenter also notes that many of the roads in the area are "narrow and curvy," with exception of La Costa Avenue.

Response:

Please refer to Master Response 1.

46-10

Comment Summary:

The commenter states that their concerns must be addressed by the City and that the concerns noted are unacceptable, not unavoidable. The commenter states that the plans for the proposed project should be revised.

Response:

The comments provided are made in summary and do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

February 2, 2023

Nick Koutoufidis
Development Services Department
City of Encinitas

Dear Sir,

I have some concerns about the Piraeus Point development. I understand there will be an 1,100 foot sidewalk up Plato Pl. to Caudor St. to provide children with a safe walk to school. There are many cars that use Plato Pl. to take children to school. There will be many more from Piraeus Point. Has there been any discussion about putting in a crosswalk with warning signals? This is a difficult corner to cross even when there isn't a lot of traffic. I would hate for the city to wait for a child to be injured to take action.

47-1

Another concern I have is with the number of additional cars there will be in our residential neighborhood with narrow streets. There is already serious congestion before and after school. Although a sidewalk is being provided there will be many parents from Piraeus Point who drive their children to and from school adding to the congestion problem on our narrow streets. This could be a real problem if anyone needs emergency services during high congestion times.

47-2

Most of the 149 new households will have 2 cars. This is a necessity because our neighborhood is a food/service desert. To get any kind of service a car is necessary. It's been acknowledged that no public transportation is available. To suggest that it will be helpful to have electric bikes available is laughable. It sometimes takes 3 series of light signals to get through the signal on La Costa/Piraeus now. What will the impact of all the additional cars be?

47-3

I am in favor of low income housing and am glad to see that some is being created in Encinitas. Will the low income residents have to pay the HOA fee. That could be a budget breaker.

Thank you for reading my letter and considering my concerns.

Marilyn Trax
1563 Caudor St.
Encinitas

47 Marilyn Trax

47-1

Comment Summary:

The commenter notes that the project would construct approximately 1,100 feet of sidewalk up Plato Place to Caudor Street. The commenter expresses concerns regarding the ability of children to safely walk to school due to the increase in cars that would utilize Plato Place to drive children to school. The commenter asks if the City has considered implementing a crosswalk with warning signals and the corner of Plato Place.

Response:

Please refer to Master Response 1. The project would construct approximately 1,100 linear feet of sidewalk along the project frontage on Piraeus Street and Plato Place. Connection to an existing sidewalk system is not feasible, due to the lack of sidewalks within the surrounding neighborhood.

At this time, installation of a crosswalk with warning signals is not being contemplated. However, the City will consider the comments provided in evaluating whether to approve the project.

47-2

Comment Summary:

The commenter expresses concerns regarding increased traffic congestion on narrow roads in the neighborhood, particularly during school pick up and drop off times. The commenter feels that the increase in traffic congestion could impact emergency services. The commenter also indicates that project residents would need to own cars, due to the lack of public transportation in the area, and feels that it would not be helpful to have electric bikes.

Response:

Please refer to Master Response 1. As evaluated in EIR Section 3.7, Hazards and Hazardous Materials, the project as proposed would not interfere with evacuations in the event of an emergency. Whether or not residents are required to own vehicles for travel to/from the site due to the lack of

February 2, 2023

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City of Encinitas

Dear Sir,

I have some concerns about the Piraeus Point development. I understand there will be an 1,100 foot sidewalk up Plato Pl. to Caudor St. to provide children with a safe walk to school. There are many cars that use Plato Pl. to take children to school. There will be many more from Piraeus Point. Has there been any discussion about putting in a crosswalk with warning signals? This is a difficult corner to cross even when there isn't a lot of traffic. I would hate for the city to wait for a child to be injured to take action.

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47-2

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47-3

Thank you for reading my letter and considering my concerns.

Marilyn Trax
1563 Caudor St.
Encinitas

existing public transit in the area is not an environmental issue of concern relative to CEQA. The City acknowledges the commenter's opinion that resident access to electric bikes would not help to reduce project-related traffic.

47-3

Comment Summary:

The commenter expresses their support for the creation of low-income housing in the City and asks if low-income residents of the project will be required to pay HOA fees.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

January 31st, 2023Nick Koutoufidis
Development Services Dept.
505 South Vulcan
Encinitas, CA 92024RE: **Piraeus Point**
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I am writing to express our strong opposition to the project proposed known as Piraeus Point by Lennar Homes. As a resident and homeowner for over 40 years in the small community off of Piraeus Street, I can unequivocally state that a project of this size and scope at this location is patently absurd; the community off Piraeus Street has been, since its inception in the 1940's, a community of small single-family houses. The community infrastructure was built for small single-family houses, and this infrastructure, specifically the roads and lack of sidewalks, cannot be improved to safely or reasonably handle the significant increase in traffic that the Piraeus Point development would bring with it. The Piraeus Point project as designed is calling for an additional 149 townhomes with a total of 271 additional parking spaces; the community off of Piraeus Street and Plato Place is less than 80 houses, and the greater community off of Piraeus Street is less than 200 total houses. The existing infrastructure wasn't built for 4 acres to accommodate 149 houses, not when the existing community has 1 house per half acre or more of property. A nearly doubling of the size of the immediate community is not prudent, safe or sustainable planning and development. The draft EIR ignores this impact. It needs to be addressed.

48-1

As a mother and grandmother, whom grandkids attend elementary school in Encinitas, one of my biggest concerns with Piraeus Point development will be the impact it has on the safety of the students at Capri Elementary. Given that there are no sidewalks in the community our children are required to walk or bike to school on the margins of the residential roads, it is already not ideal situation for our children and the proposed development potential adds nearly double the traffic. Lennar's own study found that the transportation issues arising from the development were significant and not remediable; in fact they would add over 500 cars to roads in the morning and evening periods. How does the 'not remediable' part of the EIR get addressed? The property needs to reassessed and removed from the housing element.

48-2

Furthermore, Piraeus Street is unique in its design in that it has only a single main exit point, La Costa Avenue, while having two main entry points, Leucadia Blvd and La Costa Avenue; southbound traffic on Piraeus Street must then use the residential roads Normandy Rd and Urania Ave in order to access Leucadia Blvd, neither of these residential streets were designed to handle the proposed significant increase in traffic from the Piraeus Point development. How does the EIR address Normandy and Urania? It does not, but it needs to.

48-3

Piraeus Street and Plato Place weren't designed with on-street parking and cannot be expanded, the same goes for all the roads in the immediate community. Given the lack of on-site parking for guests of the proposed development, 25 spots for 149 homes, there will likely be illegal street parking; the city has seen this same issue recently arise from the opening of Olympus Park which is only two blocks south on Piraeus Street of the proposed development. The current illegal parking situation at Olympus Park has created multiple accidents, is generally unsafe and has been a strain on our local police force. What Olympus Park has shown us is that Piraeus Street cannot handle significant amounts of traffic and is unsafe when used for street parking.

48-4

Encinitas should focus on development that is safe for the community. These types of high-density projects should occur where infrastructure is either existing or can be improved to reasonably assure community safety; unfortunately for Lennar Homes that cannot be accomplished with their Piraeus Point proposed development.

48-5

Best Regards,
Mary & Richard Usher
1730 Caudor Street

48 Mary and Richard Usher

48-1

Comment Summary:

The commenters indicate that they have been residents of the community for over 40 years. The commenters feel the existing infrastructure, specifically the roads and sidewalks, was not designed to be able to handle the increase in traffic as a result of project implementation, and such infrastructure cannot be improved adequately to handle these traffic increases. The commenter also questions the proposed density of units, claiming that the local infrastructure was not built to accommodate 149 houses, or a "near doubling of the community," and that the size and scope of the project at the proposed location is not appropriate. The commenters express that these issues were not addressed in the EIR.

Response:

Please refer to Master Responses 1, 2, and 4.

48-2

Comment Summary:

The commenters are concerned that project implementation would exacerbate safety concerns for students walking and biking to Capri Elementary School. The commenters note the significant and "not remediable" transportation impacts identified in the EIR and asks how such impacts can be addressed.

Response:

Please refer to Master Response 1.

As noted in Section 3.12, Transportation, of the EIR, transportation impacts associated with VMT/capita were determined to be significant and unavoidable, unrelated to traffic conditions on local roadways or at intersections. Several TDM measures to reduce VMT would not be appropriate, as implementation is not feasible or cannot be guaranteed. While the project proposes sidewalks along Piraeus Street and Plato Place; includes project design measures to enhance sustainability; would provide for a variety of housing types including very low-income affordable

January 31st, 2023

Nick Koutoufidis
Development Services Dept.
505 South Vulcan
Encinitas, CA 92024

RE: **Piraeus Point**
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear Nick,

I am writing to express our strong opposition to the project proposed known as Piraeus Point by Lennar Homes. As a resident and homeowner for over 40 years in the small community off of Piraeus Street, I can unequivocally state that a project of this size and scope at this location is patently absurd; the community off Piraeus Street has been, since its inception in the 1940's, a community of small single-family houses. The community infrastructure was built for small single-family houses, and this infrastructure, specifically the roads and lack of sidewalks, cannot be improved to safely or reasonably handle the significant increase in traffic that the Piraeus Point development would bring with it. The Piraeus Point project as designed is calling for an additional 149 townhomes with a total of 271 additional parking spaces; the community off of Piraeus Street and Plato Place is less than 80 houses, and the greater community off of Piraeus Street is less than 200 total houses. The existing infrastructure wasn't built for 4 acres to accommodate 149 houses, not when the existing community has 1 house per half acre or more of property. A nearly doubling of the size of the immediate community is not prudent, safe or sustainable planning and development. The draft EIR ignores this impact. It needs to be addressed.

48-1

As a mother and grandmother, whom grandkids attend elementary school in Encinitas, one of my biggest concerns with Piraeus Point development will be the impact it has on the safety of the students at Capri Elementary. Given that there are no sidewalks in the community our children are required to walk or bike to school on the margins of the residential roads, it is already not ideal situation for our children and the proposed development potential adds nearly double the traffic. Lennar's own study found that the transportation issues arising from the development were significant and not remediable; in fact they would add over 500 cars to roads in the morning and evening periods. How does the 'not remediable' part of the EIR get addressed? The property needs to be reassessed and removed from the housing element.

48-2

Furthermore, Piraeus Street is unique in its design in that it has only a single main exit point, La Costa Avenue, while having two main entry points, Leucadia Blvd and La Costa Avenue; southbound traffic on Piraeus Street must then use the residential roads Normandy Rd and Urania Ave in order to access Leucadia Blvd, neither of these residential streets were designed to handle the proposed significant increase in traffic from the Piraeus Point development. How does the EIR address Normandy and Urania? It does not, but it needs to.

48-3

Piraeus Street and Plato Place weren't designed with on-street parking and cannot be expanded, the same goes for all the roads in the immediate community. Given the lack of on-site parking for guests of the proposed development, 25 spots for 149 homes, there will likely be illegal street parking; the city has seen this same issue recently arise from the opening of Olympus Park which is only two blocks south on Piraeus Street of the proposed development. The current illegal parking situation at Olympus Park has created multiple accidents, is generally unsafe and has been a strain on our local police force. What Olympus Park has shown us is that Piraeus Street cannot handle significant amounts of traffic and is unsafe when used for street parking.

48-4

Encinitas should focus on development that is safe for the community. These types of high-density projects should occur where infrastructure is either existing or can be improved to reasonably assure community safety; unfortunately for Lennar Homes that cannot be accomplished with their Piraeus Point proposed development.

48-5

Best Regards,
Mary & Richard Usher
1730 Caudor Street

housing; and is consistent with City's General Plan, Local Coastal Program, Climate Action Plan, and SANDAG's The Regional Plan, impacts related to VMT/capita would not be reduced to 85 percent of the regional average, even after incorporation of TDMs as a required condition of project approval. No additional quantifiable VMT-reducing measures that the project could feasibly implement were identified, and therefore, the project's VMT-related impacts would remain significant and unavoidable.

48-3

Comment Summary:

The commenters state that Normandy Road and Urania Avenue would not have the capacity to handle project-generated traffic traveling southbound along Piraeus Street to Leucadia Boulevard. The commenters indicate that the EIR should address this issue.

Response:

Please refer to Master Response 1.

48-4

Comment Summary:

The commenters feel that the project as proposed does not provide an adequate amount of guest parking and, as a result, that it would result in illegal street parking in the vicinity which presents safety concerns.

Response:

Please refer to Master Response 1.

January 31st, 2023

Nick Koutoufidis
Development Services Dept.
505 South Vulcan
Encinitas, CA 92024

RE: **Piraeus Point**
Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

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48-5

Best Regards,
Mary & Richard Usher
1730 Caudor Street

48-5

Comment Summary:

The commenters express that the City should pursue development that can either be supported by existing infrastructure, or development that can be supported by infrastructure that can be feasibly improved. The commenters feel that these considerations would not be achieved for the project as proposed.

Response:

Refer to Master Response 2.

From: Terry Venard <powork@aol.com>
Sent: Monday, February 6, 2023 4:07 PM
To: Nick Koutoufidis
Subject: Opposition to Piraeus Point

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

760.633.2692

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Please consider these oppositions to the proposed Piraeus Point Development:

1. Parking for the Project:

The State of California permits lower parking requirements for this particular project but why would the developer do it if there is not adequate parking on site? There is no offsite parking in the residential neighborhood as the streets are already too narrow in this family neighborhood.

49-1

2. Lack of safe walking from project:

There is no public transportation anywhere near the proposed Piraeus Point Project. There is no playground equipment on the site so who can assure safe walking path Capri Elementary School and local Olympus Park? Piraeus is a 45mph road which is too narrow for a dedicated Bike Lane in some sections. This indicates a big liability to the project.

49-2

3. Undergrounding Utilities:

The small development across Plato from Piraeus Point had to underground the Utilities for even a small residential neighborhood project. Piraeus Point should not be given a waiver for the Undergrounding Utilities requirement.

49-3

49 Terry Venard

49-1

Comment Summary:

The commenter acknowledges that the project would provide an adequate amount of parking per the State of California but feels that the proposed amount of parking is not sufficient for the needs of the project and notes the lack of street parking in the area.

Response:

Pease refer to Master Response 1.

49-2

Comment Summary:

The commenter expresses safety concerns due to the lack of public transportation in the vicinity of the project site, dangerous conditions on Piraeus Street, and the lack of onsite playgrounds, resulting in the need for individuals to safely walk to Capri Elementary School or Olympus Park.

Response:

Please refer to Master Response 1. The project proposes onsite landscaped areas that could be used by resident children onsite; the applicant would make payment of the required park fees to ensure that any project effects on the City's park system remain less than significant. As stated, other park facilities would be available at nearby Capri Elementary and Olympus Park.

49-3

Comment Summary:

The commenter expresses opposition to the waiver to exempt the project from undergrounding utilities.

Response:

Please refer to Master Response 4.

4. Traffic:
Traffic in this area continues to be a problem and will be amplified by the addition of a 149 unit housing project. There are no school buses for the local school so the vehicle traffic would be much worse. Since traffic cannot exit onto Leucadia Boulevard any more, the additional traffic on the small, winding roads to Urania Avenue would be further burdened.

49-4

Thank you for your consideration. This project is not welcomed or safe in our neighborhood.

49-5

Sincerely,

Terry Venard
1516 Caudor Street
Leucadia, CA 92024

760-419-5113

49-4

Comment Summary:

The commenter asserts that the project would worsen existing traffic congestion in the surrounding area, especially considering the lack of school buses and the lack of direct access to Leucadia Boulevard from Piraeus.

Response:

Please refer to Master Response 1.

49-5

Comment Summary:

The commenter expresses that the proposed project is not welcome in the neighborhood.

Response:

The commenter's opposition to the project is noted for the record. The comment is a conclusion and does not raise any environmental concerns pursuant to the provisions of CEQA nor does it address the adequacy of the EIR. No further response is required.

Piraeus Point Environmental Impact Report

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Thursday, February 2, 2023 10:52 AM
To: Kathy Hollywood; Nick Koutoufidis
Cc: Dolores Welty
Subject: Piraeus Point Draft EIR

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

:City of Encinitas Planning Commission and Planner NKoutoufidis

February 2, 2023

RE: Piraeus Point

Dear Commissioners:

Thank you for this opportunity to comment about the proposed development of Piraeus Point.

This property was poorly chosen as an up-zoned development. Like the by-right development on Clark Street, housing units are being crammed into the area without sufficient room for playgrounds, open areas or parking. They do not fit into their neighborhoods. The above amenities are required by the City of Encinitas, and need to be added to any plan for housing development in the city.

50A-1

The Piraeus Point project proposes multi-unit apartment-type housing for the property. This would be the only multi-unit collection of buildings in this large neighborhood. It does not fit. The Goals and Policies stated in the Housing Element require that new construction fit the neighborhood. While the whole Leucadia section of Encinitas is very diverse with many varieties of housing types, this particular part of Leucadia, the neighborhood east of Piraeus Point and south to Leucadia Boulevard is covered with large single family homes. The many multiple-family homes, apartment complexes and smaller lot dwellings are confined to other areas of Leucadia. The Piraeus Point project is not compatible with our housing policy as concerns compatibility with its neighborhood. For this single reason it should be denied. What excuse can the city give as to choosing this property for a multiple three-story housing project fronting an extensive neighborhood of single-family and town homes on large lots?

50A-2

The highest and best use of Piraeus Point acreage is as a protected biological area. Attempts have been made in the past by government agencies to purchase this property for wildlife preservation. Encinitas has never completed its Habitat Conservation Plan, but this property was intended for inclusion in it. The U.S.Fish and Wildlife Service (USFWS) designated this property as critical habitat for the California Gnatcatcher. This property should be preserved for native species.

According to the map (Figure 3.3-4, Biological Survey Results - Wildlife) the part of the property slated for grading and development supports nesting California Gnatcatchers and their desired habitat. Thus it should be preserved. It connects to an already preserved portion of the bluff, making it much more valuable for the preservation of species than any other isolated parcel would be. It would be best to offer this property for mitigation for in-fill areas that do not have a connection to other habitats. Piraeus Point should be joined to the MHCP (Multiple-species Habitat Conservation Plan). That is the purpose of the MHCP - to establish connected preservation areas. The highest and best use of this property is as a wildlife and native plant preserve.

50A-3

50A Dolores Welty

50A-1

Comment Summary:

The commenter asserts that the project site was inappropriately chosen to be up zoned for residential development. The commenter feels that projects of this type do not provide sufficient playgrounds, open areas, or parking and do not fit into the surrounding neighborhood.

Response:

Please refer to Master Responses 1 and 4.

As described in Section 2.0, Project Description of the EIR, a total of 38,575 SF of private open space is proposed for use by project residents. Overall, a total of 51,171 SF of open space is proposed for the project (private plus public), with 343 SF of open space provided per unit. Proposed open space would be in conformance with that required under the existing zoning (minimum 300 SF per unit x 149 units = 44,700 SF).

50A-2

Comment Summary:

The commenter asserts that the project would be the only multi-family development in neighborhood, and therefore, it would not be consistent with the character of the community. The commenter states that the goals and policies of the City's Housing Element require that new construction reflect the character of the neighborhood and that surrounding neighborhoods are generally single-family, with multi-family uses located in other areas of the City. The commenter asserts that the project is not compatible with local housing policy due to such conflicts and that it should therefore be denied.

Response:

Please refer to Master Response 4. The project as designed would be consistent State and local regulations governing development of the site (e.g., local zoning and overlays, coastal zone requirements, State Density Bonus Law, Caltrans measures, etc.) to ensure compatibility with existing development in the area and ensure the protection of resources. The

Preface and Responses to Comments

From: Dolores Welty <dwelty2076@earthlink.net>
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February 2, 2023

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50A-3

According to the map (Figure 3.3-4, Biological Survey Results - Wildlife) the part of the property slated for grading and development supports nesting California Gnatcatchers and their desired habitat. Thus it should be preserved. It connects to an already preserved portion of the bluff, making it much more valuable for the preservation of species than any other isolated parcel would be. It would be best to offer this property for mitigation for in-fill areas that do not have a connection to other habitats. Piraeus Point should be joined to the MHCP (Multiple-species Habitat Conservation Plan). That is the purpose of the MHCP - to establish connected preservation areas. The highest and best use of this property is as a wildlife and native plant preserve.

project as proposed does not require a change to the existing General Plan or zoning designations which allow for higher density residential uses. The site has been identified in the City’s Housing Element Update as intended for future residential development to help meet the State’s adopted housing goals.

50A-3

Comment Summary:

The commenter asserts that the highest and best use of the project site is as a protected biological area. The commenter also asserts that the project site was intended for inclusion in the City’s Habitat Conservation Plan (not completed) and was designated as critical habitat for the California gnatcatcher by USFWS. The commenter asserts that the area of the project site proposed for grading and development supports California gnatcatchers and their habitat, and that the project site is more valuable as preservation of California gnatcatcher since the site is not isolated, but rather is connected to a preserved portion of the bluff. The commenter asserts that the property should be “joined to the MHCP.”

Response:

Please refer to Response 1B-5.

Piraeus Point Environmental Impact Report

Preface and Responses to Comments

Allowing this property to be used as a multiple-housing project violates the City of Encinitas Natural Community Conservation Planning Act (1991), which is "aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses." The California Department of Fish and Wildlife (CDFW) is primarily responsible for implementation of the act, which is "intended to allow comprehensive protection and management of wildlife species and provides for regional protection of natural wildlife diversity while allowing appropriate land development." What does the California Department of Fish and Wildlife have to say about the preservation of gnatcatcher habitat within or near the MHCP and the Preserved Batiquitos Lagoon? Take of the gnatcatcher should not be allowed. Has the Wildlife Agency issued a take, or is this still to be determined? This area is designated critical habitat by the United States Fish and Wildlife Service (USFWS). As stated in the EIR, the "entirety of the U.S. Fish and Wildlife Survey Area" (i.e., the Piraeus Point acreage plus adjacent property), "is within Unit 3 of USFWS-designated critical habitat for the federally-listed coastal CAGN (USFWS 2007)." As critical habitat, it should be preserved.

50A-4

The developer offers the northern portion (about two acres) of the acreage as partial mitigation for the loss of the native plants on the project. Total mitigation for the plant communities of California Sagebrush, Buckwheat, Deerweed and Chaparral is figured at 9.3 acres. But this EIR says nothing about the loss of the nesting gnatcatchers through the destruction of their existing nesting habitat and offers no mitigation for that loss at all. It only deals with plant life. What is the mitigation ratio for the loss of gnatcatcher families? I believe the required mitigation ratio is at least 4 to 1. A gnatcatcher lives within a four mile range. It is native, meaning (of course) that it stays here year round Obviously these pairs are thriving on this property. According to your map (Figure 3.3-4) Piraeus Point is a perfect place for gnatcatchers, and should be retained as reserve. What can the city do to preserve this area? Will the city abide by the rules of the MHCP? What will the city require of the developer so that nesting areas for the resident gnatcatchers on the so-called developable area will be preserved? Will the developer fence off the area? Provide a rooftop garden of gnatcatcher habitat for these pairs? Establish gnatcatcher habitat along the vacated acreage given to the developer by the city? How will these nesting pairs be protected?

50A-5

Where will the developer find the 9.3 acres of mitigation required for this project? Will the developer be required to find these acres within the city? If not, why not? Is comparable habitat so rare within the city that none can be found?

50A-6

There is no playground or ground space for playgrounds at Piraeus Point. Outdoor access for sunlight and recreation are confined to the swimming pool area and to roof tops and off site areas. This is not sufficient . Where will children have the opportunity to run and play together? Any open space surrounding the property is either biologically off limits, owned by existing residents or next to streets. Children need a play area of real dirt and plants, not just driveways and roof tops. What adjustment to the plan will the developer make to provide a ground-level play area for children? What is the actual square feet of rooftop play area considering that solar panels and other equipment will also be there? Contact with nature is necessary for good mental health. Rooftop patios are not good play spaces for young children.

50A-7

At the same time, walking or biking to the park farther south on Piraeus, to Capri school or to South Carlsbad State Beach (Ponto), where children would have a chance to play outside like other children in the neighborhood, is dangerous. No safe walkways are provided and traffic is speedy. What solutions will be required by the developer or the city to correct this problem? Without a ground level play area, this development does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-8

The development does not provide studio dwellings, which it could, diminishing the square footage of those units and allowing ground space for playground and parking. Will the city require the developer to consider this adjustment for at least some of the buildings? Better yet, one of the buildings could be eliminated or greatly reduced to provide this space. With so little ground area for recreation and open space, this project does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-9

The street vacations of .25 acres on Plato and .71 along Piraeus are a puzzle to me. Why is this necessary? Your document calls these portions "excess right-of-way." Who decides a portion of street right-of-way is excess? What is the rule for deeming city property an "excess"? What criteria states the rules for deciding such? Will you please quote this rule or provide a link for our enlightenment?. This is a gift of public space to the developer. It certainly adds beauty and

50A-10

50A-4

Comment Summary:

The commenter asserts that developing the project site with multi-family residential use violates the City of Encinitas Natural Community Conservation Planning Act (1991) and inquires what input the CDFW has had regarding preservation of gnatcatcher habitat within or near the MHCP and the Batiquitos Lagoon. The commenter asserts that take of the gnatcatcher should not be allowed. The commenter also questions whether the USFWS has issued a take and asserts that the area is designated as USFWS critical habitat and should therefore be preserved.

Response:

Please refer to Letters 1B-1 and 2 for comments provided to date by USFWS and CDFW. Refer also to Response 1B-5; the USFWS has not issued a take permit. Section 3.3, Biological Resources, of the EIR has been revised to reflect comments received by USFWS relative to mitigation measures proposed to reduce project impacts on sensitive species to a level of less than significant.

50A-5

Comment Summary:

The commenter asserts that the EIR offers the northern parcel as partial mitigation for the loss of native plants onsite. The commenter further asserts that the EIR does not address the loss of nesting California gnatcatchers due to the destruction of nesting habitat and does not identify mitigation for such loss. The commenter inquires as to the mitigation for the loss of gnatcatcher "families," and asserts that it is to occur at a 4:1 ratio. The commenter further asserts that the project site is ideal for gnatcatchers and inquires what the City can do to preserve the area and whether the City will abide by the MHCP, as well as how the City will protect nesting pairs of gnatcatchers onsite.

Response:

Please refer to Response 1B-5. Required mitigation ratios are provided in Tables 3.3-2 and 3.3-3 of the EIR.

Preface and Responses to Comments

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50A-5

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50A-10

50A-6

Comment Summary:

The commenter inquires as to where the developer will find the 9.3 acres of mitigation required and whether such acreage would be required to be located within the City (and if not, why not).

Response:

The majority of the preservation goals and required mitigation ratios for impacted vegetation communities will be met through the establishment of the on-site and off-site adjacent Preserve Area, which will preserve in place 5.51 acres of land. Off-site mitigation will be required for an additional 1.92 acres of impacts to sensitive and/or mitigated habitats not achieved within the Preserve Area, which may be accomplished through the purchasing of mitigation credits or acquiring additional land within the Coastal Zone. However, because available land and established mitigation banks within the Coastal Zone are not available, and because the City of Encinitas Subarea Plan is still in draft form, purchasing of mitigation credits within a North County Multiple Habitat Planning Area mitigation bank (<https://www.sandiegocounty.gov/content/sdc/pds/mitbnks.html>) or at another City-approved preserve area in the process of being established shall be negotiated to the satisfaction of the City, CDFW, and USFWS.

50A-7

Comment Summary:

The commenter asserts that there is no playground proposed and that outdoor access for sunlight and recreation are confined to the swimming pool area, rooftops, and offsite areas, which is insufficient. The commenter also asserts that an onsite children's play area is needed. The commenter questions the square footage of rooftop space proposed and states that rooftop patios are not good play spaces for young children.

Response:

The provision of open space and play areas for children is not a topic of concern requiring analysis pursuant to CEQA. However, the project as designed meets the City's requirements for provision of both private and public open space for the zone and is further subject to discretionary

Piraeus Point Environmental Impact Report

Preface and Responses to Comments

Allowing this property to be used as a multiple-housing project violates the City of Encinitas Natural Community Conservation Planning Act (1991), which is "aimed at conservation of natural communities at the ecosystem scale while allowing for compatible land uses." The California Department of Fish and Wildlife (CDFW) is primarily responsible for implementation of the act, which is "intended to allow comprehensive protection and management of wildlife species and provides for regional protection of natural wildlife diversity while allowing appropriate land development." What does the California Department of Fish and Wildlife have to say about the preservation of gnatcatcher habitat within or near the MHCP and the Preserved Batiquitos Lagoon? Take of the gnatcatcher should not be allowed. Has the Wildlife Agency issued a take, or is this still to be determined? This area is designated critical habitat by the United States Fish and Wildlife Service (USFWS). As stated in the EIR, the "entirety of the U.S. Fish and Wildlife Survey Area" (i.e., the Piraeus Point acreage plus adjacent property), "is within Unit 3 of USFWS-designated critical habitat for the federally-listed coastal CAGN (USFWS 2007)." As critical habitat, it should be preserved.

50A-4

The developer offers the northern portion (about two acres) of the acreage as partial mitigation for the loss of the native plants on the project. Total mitigation for the plant communities of California Sagebrush, Buckwheat, Deerweed and Chaparral is figured at 9.3 acres. But this EIR says nothing about the loss of the nesting gnatcatchers through the destruction of their existing nesting habitat and offers no mitigation for that loss at all. It only deals with plant life. What is the mitigation ratio for the loss of gnatcatcher families? I believe the required mitigation ratio is at least 4 to 1. A gnatcatcher lives within a four mile range. It is native, meaning (of course) that it stays here year round Obviously these pairs are thriving on this property. According to your map (Figure 3.3-4) Piraeus Point is a perfect place for gnatcatchers, and should be retained as reserve. What can the city do to preserve this area? Will the city abide by the rules of the MHCP? What will the city require of the developer so that nesting areas for the resident gnatcatchers on the so-called developable area will be preserved? Will the developer fence off the area? Provide a rooftop garden of gnatcatcher habitat for these pairs? Establish gnatcatcher habitat along the vacated acreage given to the developer by the city? How will these nesting pairs be protected?

50A-5

Where will the developer find the 9.3 acres of mitigation required for this project? Will the developer be required to find these acres within the city? If not, why not? Is comparable habitat so rare within the city that none can be found?

50A-6

There is no playground or ground space for playgrounds at Piraeus Point. Outdoor access for sunlight and recreation are confined to the swimming pool area and to roof tops and off site areas. This is not sufficient . Where will children have the opportunity to run and play together? Any open space surrounding the property is either biologically off limits, owned by existing residents or next to streets. Children need a play area of real dirt and plants, not just driveways and roof tops. What adjustment to the plan will the developer make to provide a ground-level play area for children? What is the actual square feet of rooftop play area considering that solar panels and other equipment will also be there? Contact with nature is necessary for good mental health. Rooftop patios are not good play spaces for young children.

50A-7

At the same time, walking or biking to the park farther south on Piraeus, to Capri school or to South Carlsbad State Beach (Ponto), where children would have a chance to play outside like other children in the neighborhood, is dangerous. No safe walkways are provided and traffic is speedy. What solutions will be required by the developer or the city to correct this problem? Without a ground level play area, this development does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-8

The development does not provide studio dwellings, which it could, diminishing the square footage of those units and allowing ground space for playground and parking. Will the city require the developer to consider this adjustment for at least some of the buildings? Better yet, one of the buildings could be eliminated or greatly reduced to provide this space. With so little ground area for recreation and open space, this project does not conform to the Sixth Cycle Housing Development Policy Goal 2.3.

50A-9

The street vacations of .25 acres on Plato and .71 along Piraeus are a puzzle to me. Why is this necessary? Your document calls these portions "excess right-of-way." Who decides a portion of street right-of-way is excess? What is the rule for deeming city property an "excess"? What criteria states the rules for deciding such? Will you please quote this rule or provide a link for our enlightenment?. This is a gift of public space to the developer. It certainly adds beauty and

50A-10

review to ensure that such requirements are met. The total square footage of usable rooftop patio space proposed is 38,575 square feet, with between 200-300 square feet on each rooftop deck. The remainder of the rooftop space has been designed to accommodate mechanical equipment and/or solar panels while still allowing the project to exceed private open space requirements.

50A-8

Comment Summary:

The commenter asserts that having to travel to offsite locations (Olympus Park, Capri Elementary, beach) for children to play outside presents hazardous conditions such as no speeding vehicles and no safe walkways for pedestrian use. The commenter inquires as to how the project or City will provide solutions to resolve such conditions, and asserts that by not providing a ground level play area, the project does not conform to the City's Sixth Cycle Housing Development Policy Goal 2.3.-

Response:

Please refer to Master Response 1 and Response 4A-18.

50A-9

Comment Summary:

The commenter suggests that the project could either reduce the square footage of some proposed residential units or eliminate one residential building altogether in order to provide more onsite ground space for playground and parking. The commenter asserts that the project does not conform to the City's Sixth Cycle Housing Development Policy Goal 2.3 pertaining to the provision of open space and recreation.

Response:

Refer to Master Response 1 and Response 4A-18.

50A-10

Comment Summary:

The commenter inquires as to why the proposed street vacation along portions of Plato Place and Piraeus Street is necessary and asks for the

Preface and Responses to Comments

open space to the development, better enabling the density. What does the city receive in return? How wide are the provided pedestrian sidewalks indicated on the artist drawing? Can two people walk side by side?	50A-10 cont'd
The vacated open space adds nearly an acre to the developer's usable space. Surely that is more than enough to provide a playground for the children who will be residents of this development. Where will it be? Considering the fact that this is nearly an acre of added land, will the developer be asked to include such amenities as a playground, gnatcatcher habitat, benches and tables?	50A-11
This dense housing proposal sits in an area with no services, no grocery, no bus transportation. The area has no amenities. It thus violates the city's Quality of Housing Goal 2., Policy 2.2: "Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing." Please explain how this development can fulfill Goal 2, Policy 2.2? If it cannot, it must be denied.	50A-12
I read only 246 parking spaces for 149 housing units. That's not enough if there is no plan to provide the opportunity for public transportation. Has the city begun negotiations for bus transportation at least down La Costa Ave. to the east and/or to the train station on Vulcan? The extra 25 shared parking spaces do not make up for the deficit. What increase in public transportation will the city provide? How many dollars will the developer be asked to provide to help in funding this necessity?	50A-13
Reducing the square footage of certain of the dwellings to make studio accommodations would provide more space for parking and play area. Will the developer consider this possibility?	50A-14
A 40 percent encroachment into the bluff is excessive and offends the city's rules concerning bluff slopes. Will the City please deny this waiver? Allowing this developer to cut into the bluff sets a precedent that will be quoted by other developers. The city should not allow this to happen. Will the city continue to protect our bluff slopes or not? This is one waiver the city should surely deny.	50A-15
Density Bonus incentives and waivers are state requirements that override a city's planning and take local government away from the local population. The state should provide supplemental funding for low cost housing rather than overturning local government regulations. Do you agree? A 40 percent encroachment into the bluff violates the Sixth Cycle Housing Element Goal 2.7., as well as the city's policies and rules about bluff preservation. This encroachment should be denied. Will the city require the developer to step back from the bluff? How will the city reconcile what the developer wants to do with the city's Policies and Goals so cited?	50A-16
As to the electrical utilities being under-grounded, will they be under-grounded in the future? Will the developer be asked to contribute a sum to be held in escrow for future under-grounding?	50A-17
These 149 housing units will provide 15 low cost units. Is that a joke? The whole reason for the up-zoning of this property was to gain more low or low, low cost units and provide a diversity of economic opportunities of home ownership to residents. Why this low percentage? The City knows citizens have asked for a 20% requirement for density bonus developments and have shown that even a 50% requirement can allow a developer a good profit. Could we have 20% or, at the least, 15% as other developers have agreed to do? What is the justification for this low percentage?	50A-18
Will any of these individual units be sold, or is this another bunch of rentals? The wording is not clear (Section 2.0, page 2.02. first paragraph). It appears that each of the 15 buildings can be sold as a unit after parcels have been subdivided. Will each dwelling unit be sold separately, or will each of the 15 buildings be sold intact and future owners be allowed to be landlords rather than residents? What are the qualifications for buying a low income unit? We have found that some low cost units are actually sold to children of the developer or builder. Technically these young people qualify for a low cost unit, but they do not always live or work in Encinitas so we feel cheated. How will the city or the developer avoid this practice? Can residence or proof of local work be required of those who apply for a low cost unit? What is protocol for the sale of these units?	50A-19

criteria used to determine that such portions of Plato Place and Piraeus Street are excess right-of-way. The commenter asserts that the street vacations provide more open space to the project site to better enable the density. The commenter also requests to know the widths of the proposed pedestrian sidewalks.

Response:

Refer to Response 21-5. The proposed sidewalks along the frontage of Piraeus Street and Plato Place would be constructed to a width of 5 feet.

50A-11

Comment Summary:

The commenter inquires whether the City will request that the developer utilize the nearly one acre of land to be added to the project site as the result of the requested street vacation(s) used as an onsite playground, as gnatcatcher habitat, or for benches and tables.

Response:

Please refer to Response 21-5. This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

50A-12

Comment Summary:

The commenter asserts that the project violates Goal 2, Policy 2.2 of the City's General Plan, which requires the City to adopt policies to ensure that there are adequate infrastructure and public facilities required to serve new housing. The commenter asserts that the project is located in an area that does not currently support services, grocery, transportation, or amenities.

Response:

This comment does not address the adequacy of the EIR; no further response is required. The City will evaluate project consistency with the General Plan goals and policies when considering whether to approve the project.

open space to the development, better enabling the density. What does the city receive in return? How wide are the provided pedestrian sidewalks indicated on the artist drawing? Can two people walk side by side?

50A-10
cont'd

The vacated open space adds nearly an acre to the developer's usable space. Surely that is more than enough to provide a playground for the children who will be residents of this development. Where will it be? Considering the fact that this is nearly an acre of added land, will the developer be asked to include such amenities as a playground, gnatcatcher habitat, benches and tables?

50A-11

This dense housing proposal sits in an area with no services, no grocery, no bus transportation. The area has no amenities. It thus violates the city's Quality of Housing Goal 2., Policy 2.2: "Adopt policies, including development fees, to ensure that there is adequate infrastructure and public facilities required to serve new housing." Please explain how this development can fulfill Goal 2, Policy 2.2? If it cannot, it must be denied.

50A-12

I read only 246 parking spaces for 149 housing units. That's not enough if there is no plan to provide the opportunity for public transportation. Has the city begun negotiations for bus transportation at least down La Costa Ave. to the east and/or to the train station on Vulcan? The extra 25 shared parking spaces do not make up for the deficit. What increase in public transportation will the city provide? How many dollars will the developer be asked to provide to help in funding this necessity?

50A-13

Reducing the square footage of certain of the dwellings to make studio accommodations would provide more space for parking and play area. Will the developer consider this possibility?

50A-14

A 40 percent encroachment into the bluff is excessive and offends the city's rules concerning bluff slopes. Will the City please deny this waiver? Allowing this developer to cut into the bluff sets a precedent that will be quoted by other developers. The city should not allow this to happen. Will the city continue to protect our bluff slopes or not? This is one waiver the city should surely deny.

50A-15

Density Bonus incentives and waivers are state requirements that override a city's planning and take local government away from the local population. The state should provide supplemental funding for low cost housing rather than overturning local government regulations. Do you agree? A 40 percent encroachment into the bluff violates the Sixth Cycle Housing Element Goal 2.7., as well as the city's policies and rules about bluff preservation. This encroachment should be denied. Will the city require the developer to step back from the bluff? How will the city reconcile what the developer wants to do with the city's Policies and Goals so cited?

50A-16

As to the electrical utilities being under-grounded, will they be under-grounded in the future? Will the developer be asked to contribute a sum to be held in escrow for future under-grounding?

50A-17

These 149 housing units will provide 15 low cost units. Is that a joke? The whole reason for the up-zoning of this property was to gain more low or low, low cost units and provide a diversity of economic opportunities of home ownership to residents. Why this low percentage? The City knows citizens have asked for a 20% requirement for density bonus developments and have shown that even a 50% requirement can allow a developer a good profit. Could we have 20% or, at the least, 15% as other developers have agreed to do? What is the justification for this low percentage?

50A-18

Will any of these individual units be sold, or is this another bunch of rentals? The wording is not clear (Section 2.0, page 2.02. first paragraph). It appears that each of the 15 buildings can be sold as a unit after parcels have been subdivided. Will each dwelling unit be sold separately, or will each of the 15 buildings be sold intact and future owners be allowed to be landlords rather than residents? What are the qualifications for buying a low income unit? We have found that some low cost units are actually sold to children of the developer or builder. Technically these young people qualify for a low cost unit, but they do not always live or work in Encinitas so we feel cheated. How will the city or the developer avoid this practice? Can residence or proof of local work be required of those who apply for a low cost unit? What is protocol for the sale of these units?

50A-19

50A-13

Comment Summary:

The commenter asserts that the project does not provide enough parking if the City does not intend to provide opportunities for public transportation. The commenter inquires whether the City plans to implement bus service along La Costa Avenue and/or to the train station on Vulcan Avenue. The commenter also asserts that the 25 shared spaces proposed onsite do not make up for the parking shortage, and inquires as to whether the applicant will provide funding for public transportation.

Response:

Please refer to Master Response 1. Although not adjacent to the project site, public transportation is accessible via North County Transit District bus route #304, approximately 1 mile southeast of the project site; the La Costa Avenue park-and ride facility, approximately 0.3 miles north of the project site; and the Encinitas Transit Station, approximately 2 road miles south. The project would construct approximately 1,100 linear feet of sidewalk along the project frontage on Piraeus Street and Plato Place to provide potential future connection to the larger sidewalk system when available.

The City is not contemplating the provision of new bus service on La Costa Avenue and/or to the train station on Vulcan Avenue from the project vicinity at this time. The project applicant is not required to provide funding for public transportation.

50A-14

Comment Summary:

The commenter requests that the applicant consider reducing the square footage of some dwellings to allow for more parking and play area space.

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

Preface and Responses to Comments

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50A-15

Comment Summary:

The commenter requests that the City deny the waiver to encroach 40 percent into steep slopes, as such encroachment is “excessive and offends the City’s rules concerning bluff slopes” and would set a precedent for other applicants.

Response:

Refer to Master Response 4.

50A-16

Comment Summary:

The commenter asserts that the proposed 40 percent encroachment into the bluff violates the City’s Housing Element and City policies and rules regarding bluff preservation, and therefore, the request for encroachment should be denied.

Response:

Refer to Master Response 4. The City will evaluate project consistency with the City’s General Plan and will consider such findings in determining whether or not to approve to project.

50A-17

Comment Summary:

The commenter inquires whether utilities would be undergrounded in the future and if the applicant would be asked to contribute a sum to be held in escrow for future undergrounding.

Response:

Refer to Master Response 4. The incentive requested for the project is the elimination of the City’s undergrounding utilities requirement for existing overhead utilities pursuant to Encinitas Municipal Code Section 23.36.120. The applicant would not underground the existing utility lines and there are no plans to do so in the future. The applicant would not be required to contribute a sum to be held in escrow for future undergrounding of utilities, as no such plans exist or have been identified.

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50A-10
cont'd

The vacated open space adds nearly an acre to the developer's usable space. Surely that is more than enough to provide a playground for the children who will be residents of this development. Where will it be? Considering the fact that this is nearly an acre of added land, will the developer be asked to include such amenities as a playground, gnatcatcher habitat, benches and tables?

50A-11

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50A-18

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50A-19

50A-18

Comment Summary:

The commenter asserts that the project does not propose enough low-income units and asks for justification of the low percentage of such units being proposed. The commenter asserts that other projects have demonstrated that providing a higher percentage of affordable units (20 or even 15 percent) can still be profitable, and inquires as to whether the applicant could provide a higher percentage of affordable housing units.

Response:

The project would adhere to State Density Bonus Law by providing 15 “very low” income units (affordable to households earning no more than 50 percent of the area median income) which represents approximately 10 percent of the overall unit count. While this allows the project to utilize the maximum density bonus (up to a 50 percent increase in unit count), the project is not proposing to utilize Density Bonus Law to increase the unit density onsite, thereby respecting existing development in the surrounding neighborhood.

50A-19

Comment Summary:

The commenter inquires if the units would be for-sale or rentals, and indicates that the wording in EIR Section 2.0 (page 2.0-2) is unclear regarding this issue. The commenter asks for information regarding the proposed subdivision of parcels and qualifications and procedures for buying a low-income unit, and expresses concern that such units may be sold to people who are not local to Encinitas.

Response:

As stated on page 2.0-1, “The Piraeus Point Project (proposed “project”) would result in future development of a 149-unit townhome community (for-sale units).” Page 2.0-2 of the EIR has been revised for clarity to indicate that the Condominium Tentative Map is required to subdivide the 149 condominiums into separate parcels, pursuant to the State of California Subdivision Map Act, to allow each of the 149 condominium

Preface and Responses to Comments

I am looking at Section 2.3.2 of the Draft EIR which proposes 38, 575 SF of private open space for the residents, divisible to each type of unit. Where is this open space? Is the developer including balconies? Does it include the roof patios? Does each unit have or does any unit have private patios? If "private" means occupants only, what area might local residents feel comfortable using? Are benches and/or tables provided in the vacated spaces near the sidewalks? If so, could these be used by the public?	50A-20
Section 2.3.3 states that automobile entry to the site is off Piraeus but it does not indicate an exit site and does state that a 26-foot-wide- interior roadway will go from Piraeus to Plato. Will Plato be the exit site? Or will residents be directed/required to exit onto Piraeus as the community prefers? Is it the driver's choice? We were told the Plato exit would be an emergency exit.	50A-21
Is a 3 by 3 foot grate adequate for excessive water runoff as occurred this past week or might be expected in the future as our climate changes? How about the capacity of off-site facilities for excessive runoff?	50A-22
I am concerned about unintended bird death against glass especially because of this development's proximity to Batiquitos Lagoon, a nature reserve for endangered bird species as well as a nursery for fish. I have movable screening on the outside of my own windows to keep birds from killing themselves by trying to fly through them especially during migratory seasons. The reflection of the outside world on the glass fools birds into thinking the glass opens to nature, not a room. This is a universal problem everywhere and quite a significant cause of bird fatality in the environmental record. It is possible to find solutions for instances in which glass is used for windows, separations or noise attenuation. What solutions will the developer use? What solutions will the city require? I suggest one-way glass for unshaded windows and tinted for the glass walls. There are other solutions as well. I have seen advertisements for outdoor glass embedded with bird deterrent invisible from the human side.	50A-23
Are four electrical vehicle charging stations adequate for the expected life of this project? What is the expected life of these buildings? A thirty year life expectancy is usual, in which case four stations will not be enough. What arrangements can be made to enable such stations to be added in the future?	50A-24
Concerning the plantings behind the northern retaining wall and in front of the reserved area, are you certain that any plants put there will either be those of coastal sage scrub, buckwheat, or chaparral communities? If not, what guarantees can biological experts provide that your plantings will not replace the plant communities you are required to preserve?	50A-25
Is it possible that this developer could be required to remove the nonnative giant reed just north of Skyloft Road? It may be that this reed occurs further east on Skyloft as well and would re-seed through runoff. If so, the developer could deposit a sum for use in future reclamation efforts. Will he? Will the city require such a sum?	50A-26
The City is already well aware of the F rating of La Costa roadway to the beach and 101. Will City please explain why this development will not add to that problem? Or why it is OK to add to that problem? What will the developer do to reduce car trips west over the freeway to 101? What will the City do?	50A-27
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Very truly yours, Dolores Welty 2076 Sheridan Road Encinitas, CA 92024	

units to be sold as an individual unit under separate private ownership. The 16 (not 15) buildings would not be sold “intact.”

The very low income units would be offered to future homeowners meeting the qualifications for very low income affordable residential housing (affordable to households earning no more than 50 percent of area median income). Who such units are sold to is not an issue of concern relative to CEQA.

This comment does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

50A-20

Comment Summary:

The commenter asks where the proposed 38,575 square feet of private open space would be provided with the project. The commenter asks if the proposed private open space would be available for local residents to use. The commenter asks if benches and/or tables are proposed in the vacated spaces near the sidewalks and if they would be available for public use.

Response:

A total of 38,575 SF of private open space is proposed for use by project residents. This includes approximately 10,400 square feet (SF) of open space for the 1-bedroom units (52 units); 10,175 SF of open space for the 2-bedroom units (37 units); and 18,000 SF of open space for the 3-bedroom units (60 units). Private open space would be comprised of such elements as rooftop decks, decks, and landscaped areas around private driveways.

Private open space would be restricted to use by residents and their guests only. Benches and tables are not proposed for the (offsite) landscaped areas located adjacent to the project site along Piraeus Street and Plato Place.

I am looking at Section 2.3.2 of the Draft EIR which proposes 38, 575 SF of private open space for the residents, divisible to each type of unit. Where is this open space? Is the developer including balconies? Does it include the roof patios? Does each unit have or does any unit have private patios? If "private" means occupants only, what area might local residents feel comfortable using? Are benches and/or tables provided in the vacated spaces near the sidewalks? If so, could these be used by the public?

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Section 2.3.3 states that automobile entry to the site is off Piraeus but it does not indicate an exit site and does state that a 26-foot-wide- interior roadway will go from Piraeus to Plato. Will Plato be the exit site? Or will residents be directed/required to exit onto Piraeus as the community prefers? Is it the driver's choice? We were told the Plato exit would be an emergency exit.

50A-21

Is a 3 by 3 foot grate adequate for excessive water runoff as occurred this past week or might be expected in the future as our climate changes? How about the capacity of off-site facilities for excessive runoff?

50A-22

I am concerned about unintended bird death against glass especially because of this development's proximity to Batiquitos Lagoon, a nature reserve for endangered bird species as well as a nursery for fish. I have movable screening on the outside of my own windows to keep birds from killing themselves by trying to fly through them especially during migratory seasons. The reflection of the outside world on the glass fools birds into thinking the glass opens to nature, not a room. This is a universal problem everywhere and quite a significant cause of bird fatality in the environmental record. It is possible to find solutions for instances in which glass is used for windows, separations or noise attenuation. What solutions will the developer use? What solutions will the city require? I suggest one-way glass for unshaded windows and tinted for the glass walls. There are other solutions as well. I have seen advertisements for outdoor glass embedded with bird deterrent invisible from the human side.

50A-23

Are four electrical vehicle charging stations adequate for the expected life of this project? What is the expected life of these buildings? A thirty year life expectancy is usual, in which case four stations will not be enough. What arrangements can be made to enable such stations to be added in the future?

50A-24

Concerning the plantings behind the northern retaining wall and in front of the reserved area, are you certain that any plants put there will either be those of coastal sage scrub, buckwheat, or chaparral communities? If not, what guarantees can biological experts provide that your plantings will not replace the plant communities you are required to preserve?

50A-25

Is it possible that this developer could be required to remove the nonnative giant reed just north of Skyloft Road? It may be that this reed occurs further east on Skyloft as well and would re-seed through runoff. If so, the developer could deposit a sum for use in future reclamation efforts. Will he? Will the city require such a sum?

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50A-28

Very truly yours,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024

50A-21

Comment Summary:

The commenter states that EIR Section 2.3.3 does not indicate an exit site and asks if egress from the project site will be provided from Piraeus Street or Plato Place. The commenter indicates that she was previously informed that the access at Plato Place would be gated.

Response:

Section 2.3.3 states, "Access to the site would be provided at one primary entry drive from Piraeus Street. In addition, an emergency/fire access would be provided from the south at Plato Place." The discussion has been updated to better clarify that ingress/egress would occur from the proposed access driveway on Piraeus Street. The access point at Plato Place would be gated and restricted to use by emergency vehicles only, as needed.

50A-22

Comment Summary:

The commenter inquires whether a 3-foot by 3-foot grate is sufficient for the excessive water runoff recently experienced of the runoff that could be experienced in the future due to climate change. The commenter also questions the capacity of offsite facilities to accommodate project stormwater flows.

Response:

Potential impacts of the proposed project relative to hydrology are adequately analyzed in Section 3.8, Hydrology and Water Quality, of the EIR. As described in the EIR, the project proposed use of a biofiltration basin to meet the treatment and flow control requirements listed in the City of Encinitas Best Management Practices (BMP) Manual for post-construction BMPs. All proposed storm drain improvements would be sized to handle the 100-year storm event. With incorporation of the proposed site improvements and BMPs, the project would reduce onsite stormwater flow rates compared to existing (pre-development) conditions, and therefore, would not adversely affect offsite facilities from runoff leaving the site. Other cumulative development projects would be

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Concerning the plantings behind the northern retaining wall and in front of the reserved area, are you certain that any plants put there will either be those of coastal sage scrub, buckwheat, or chaparral communities? If not, what guarantees can biological experts provide that your plantings will not replace the plant communities you are required to preserve?	50A-25
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Very truly yours, Dolores Welty 2076 Sheridan Road Encinitas, CA 92024	

required to implement similar project design features to ensure offsite flooding or other drainage impacts.

50A-23

Comment Summary:

The commenter expresses concern regarding potential bird deaths resulting from collisions with glass windows and walls. The commenter asks for solutions to be identified that the applicant will use and the City will require. The commenter suggests the use of one-way glass for unshaded windows and tinted glass walls, and notes that other solutions may include outdoor glass embedded with bird deterrent that would not be visible “from the human side.”

Response:

The project does not contain large expanses of clear glass, includes articulation in building design, and generally would not present the type of mono structure with large glass panels that would be of substantial concern for this type of impact. Nevertheless, the City will consider the suggestions above as well as other published standards for bird safe buildings when conducting final design so potential for bird strikes can be reduced through design, where appropriate.

50A-24

Comment Summary:

The commenter inquires as to whether four electrical vehicle (EV) stations will be sufficient to serve the project and suggests that this number may not be enough. The commenter asks what the anticipated life of the buildings is and what arrangements can be made to enable the addition of such EV charging stations in the future.

Response:

Four onsite EV changing stations are proposed near the pool/common area. Provision of the 4 EV charging stations onsite is in conformance with applicable City parking regulations for the existing zone. The anticipated life range of the proposed structures and how additional EV charging stations may be installed in the future do not raise an environmental

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50A-28

Very truly yours,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024

concern pursuant to the provisions of CEQA. No further response is required.

50A-25

Comment Summary:

The commenter asks if it there is certainty that the plantings proposed behind the northern retaining wall and in front of the reserved area would either be coastal sage scrub, buckwheat, or chapparral communities. The commenter asks that if such certainty does not exist, that guarantees are made to ensure that the project's proposed plantings do not replace the existing plant communities that the project is required to preserve.

Response:

It should be noted that, as shown on the project improvement plans, the area adjacent to the north of the retaining wall would be routinely maintained as a fuel modification zone; refer to EIR Figure 2.0-3, Conceptual Site Plan. As stated in EIR Section 2.3, Biological Resources, prior to any grading, a long-term management plan shall be prepared for the mitigation areas, to the satisfaction of the City and the Wildlife Agencies. Any replanting on- or offsite following project grading would be consistent with the approved landscape plan and/or overseen in conformance with wildlife agency permitting conditions pertaining to the preserve area.

50A-26

Comment Summary:

The commenter asks if the applicant could be required to remove the non-native reed just north of Skyloft Road and asks if the City would require the applicant to deposit a sum for use in future reclamation efforts related to the potential reseeding of the reed at the site.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

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50A-27

Comment Summary:

The commenter notes the level of service F rating of La Costa Avenue from the beach and Coast Highway 101. The commenter asks for more information regarding the project’s impacts on this issue and how the City and applicant would reduce vehicle trips traveling west over Interstate 5 to Coast Highway 101.

Response:

Please refer to Master Response 1. The addition of project generated traffic to La Costa Avenue would not result in a degradation of existing traffic conditions, and no offsite roadway or intersection improvements are required or proposed.

50A-28

Comment Summary:

The commenter states that the project is located in an area considered to be the Gateway to Encinitas and expresses concern over potential impacts on the I-5 view corridor. The commenter asks that the City protect the view corridor from the project and that landscaping proposed would not be consistent with existing vegetation found in the neighborhood. The commenter asks that the City consider purchasing the property as an addition to the proposed MHCP.

Response:

Refer to Master Response 4. Section 2.1, Aesthetics, of the EIR provides an evaluation of the project’s potential effects on area scenic resources and public views and determined that a less than significant impact would occur with project implementation. The conceptual landscape plan prepared for the project is in conformance with City landscaping requirements and is subject to the City’s discretionary review process. The proposed plantings are therefore considered to be appropriate for the site and effective in providing visual screening of views to the site from offsite public vantage points, including from the I-5 corridor.

From: Dolores Welty <dwelty2076@earthlink.net>
Sent: Sunday, February 5, 2023 2:09 PM
To: Nick Koutoufidis; Kathy Hollywood
Cc: Dolores Welty
Subject: Piraeus Point Draft EIR

CAUTION: External Email. Do not click any links or open attachments unless you recognize the sender, verified their email address, and know the content is safe.

TO: CITY OF ENCINITAS PLANNING COMMISSION

RE: PIRAEUS POINT DEVELOPMENT

February 5, 2023

Dear Planning Commission:

Thank you for this opportunity to comment. This is my second letter to you concerning the EIR for this project. This property has been designated as desirable for inclusion in the City of Encinitas' Natural Communities Conservation Planning Act (1991) and designated as critical habitat for the California Gnatcatcher by the U.S. Department of Fish and Game.

In fact, the City made an attempt to purchase the property. However, rumors of the new "By-Right" and other Housing Bills were circulating and the owner held out in hope of being designated such a property. It appears the city up-zoned this property so that they would not be accused of causing the owner to lose value, resulting in a lawsuit. However, none of this changes the value of the property as a preserve. Had Encinitas completed their promised HCP, this property would have been included -- and still should be.

I am attaching to this letter a list of City of Encinitas Land Use Policies to consider and follow in your evaluation of the proposed Piraeus Point project.

First of all, the request of the developer to intrude on the bluff so as to require a 40-foot retaining wall cannot be allowed under policy 2.1.1. This rule must not be broken. Allowing this concession sets a precedent that will cause the city trouble in the future. This concession/waiver must be denied. The request to exceed the permitted 6 feet of retaining wall comes under design review and can easily be denied (I quote Staff Advisory Committee: FINAL MEETING NOTES of October 13, 2021: "Retaining walls are limited to six feet in height: however, the height may be proposed to exceed six feet through the design review permit."). Will the city deny this bluff intrusion through its mandate of design review?

Since the lower (25 du/net acre) number of dwelling units allowed are calculated upon the slope adjusted net acreage , what is the slope adjusted net acreage when calculated without the 40-foot retaining wall?

Second, six developments are planned surrounding the La Costa Boulevard section of Leucadia. The impacts of each have been dealt with separately in a piecemeal fashion. The city lacks school space, public transportation and road facilities as well as playgrounds for the cumulative impacts of these projects. Piraeus Point is particularly lacking in these public amenities and very little can be done about them. Will La Costa be widened or continued to be choked by the bridge over the railroad track? Will SANDAG give Piraeus a south ramp onto the freeway at Leucadia Blvd. or continue to route traffic through the neighborhood? Will the new promised elementary school be built and will the citizens of

50B-1

50B-2

50B-3

50B-4

50B-5

50B Dolores Welty

50B-1

Comment Summary:

The commenter indicates that she previously submitted comments to the City. The commenter notes that the City's Natural Communities Conservation Planning Act considers the project site eligible for inclusion in the Act and that USFWS designates the site as critical habitat for the California gnatcatcher.

Response:

This comment is an introduction and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

50B-2

Comment Summary:

According to the commenter, the City previously attempted to purchase the project site, but refrained from doing so to avoid a lawsuit. The commenter asserts that the property is a preserve area and notes that the site would've been included in the City's HCP, had it been completed.

Response:

This comment is an introduction and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

50B-3

Comment Summary:

The commenter notes that they are including a list of land use policies for the City to consider during their assessment of the proposed project.

Response:

The commenter does not raise a specific environmental concern pursuant to the provisions of CEQA, nor is the adequacy of the EIR questioned. No further response is required.

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50B-2

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50B-3

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50B-4

Since the lower (25 du/net acre) number of dwelling units allowed are calculated upon the slope adjusted net acreage , what is the slope adjusted net acreage when calculated without the 40-foot retaining wall?

Second, six developments are planned surrounding the La Costa Boulevard section of Leucadia. The impacts of each have been dealt with separately in a piecemeal fashion. The city lacks school space, public transportation and road facilities as well as playgrounds for the cumulative impacts of these projects. Piraeus Point is particularly lacking in these public amenities and very little can be done about them. Will La Costa be widened or continued to be choked by the bridge over the railroad track? Will SANDAG give Piraeus a south ramp onto the freeway at Leucadia Blvd. or continue to route traffic through the neighborhood? Will the new promised elementary school be built and will the citizens of

50B-5

50B-4

Comment Summary:

The commenter asserts that the proposed 40-foot retaining wall violates the General Plan and feels that the request to exceed the allowable retaining wall height should be denied during design review. The commenter requests information regarding the slope adjusted net acreage for the site if the proposed retaining wall is not included.

Response:

Refer to Master Response 4.

50B-5

Comment Summary:

The commenter asserts that the impacts associated with six projects in Leucadia have been analyzed in a "piecemeal fashion" and that the City would be unable to accommodate the cumulative impacts on certain public amenities associated these projects. The commenter believes that the proposed project lacks certain public amenities, specifically school space, public transportation, road facilities, and playgrounds, and asserts that the project violates the General Plan.

Response:

Please refer to Master Responses 1 and 2 and Response 15-2 above. The City will evaluate project consistency with the General Plan goals and policies when evaluating whether to approve to project.

Encinitas pass the bond issue needed? Where will a neighborhood playground be located? Peace-meal development, especially when forced by state law, is self-defeating and ignorant. Piraeus Point offends Policy 2.1.3 and Policy 2.3 as well as Policy 2.10 in these aspects and must be denied.

50B-5
cont'd

Third, Policy 2.1.4 states the need for a vote to increase density. This refers to the Citizen's Initiative Proposition A, and the weird suspension by the court of a citizen's initiative so that the state could intervene. What would be the result of a new suit? Piraeus Point did not come up for a vote.

50B-6

Fourth, Policies 6.6 and 2.1.2 lay out the need of the city to be sure new development preserves the character and safety of existing residential neighborhoods, preventing the urbanization of our small town character. Situated as it is at the Gateway of our city, this development advertises urbanization. As a multiple-residence set of rectangular buildings, it does not fit the neighborhood. This developer should be directed to land fronting El Camino Real or 101, not Piraeus. Those areas are more suited to dense development which should be denied in this space. Will the city help negotiate a property trade? The city does own vacant property. Perhaps the city could persuade the state that failed and empty businesses or shopping centers could be offered in a trade?

50B-7

Finally, according to the Staff Meeting Notes of October 13 (page 5), San Electric Vehicle charging at multi-family dwellings is to be provided on 15 percent of the parking spaces. This appears to include all spaces but the development offers only four. Is this a result of a waiver or concession? Why only four spaces?

50B-8

Again, thank you for this opportunity to comment. We have a balanced and knowledgeable Planning Commission. We admire your expertise and diligence and support you in your effort to maintain the policies and goals of the city.

50B-9

Sincerely,
Dolores Welty
2076 Sheridan Road
Encinitas, CA 92024
760-942-9897

50B-6

Comment Summary:

The commenter notes that the General Plan requires that a vote must be held to increase density and indicates that a vote was not held for the proposed project.

Response:

Per the R-30 overlay zone that applies to the property, up to 161 residential units could be developed without application of allowances under state Density Bonus laws (5.36 net acres x 30 dwelling units per acre (DU/acre). With the application of a density bonus, the project could support up to 310 homes [(6.88 gross acres x 30 DU/acre) x 1.5 density bonus]. The City's Housing Element Update identifies the project site as having a minimum density of 25 DU/acre. As such, residential development of the site would require a minimum of 134 units (5.26 net acres x 25 minimum DU/acre = 134 units). Therefore, the project as proposed (149 units) is considered to be consistent with applicable density allowances.

50B-7

Comment Summary:

The commenter indicates that certain General Plan policies require that new development preserve existing neighborhood character and safety. The commenter asserts that the proposed project, in its proposed location along Piraeus Street, would not be compatible with the existing neighborhood. The commenter feels that City should determine a more appropriate site for development of the proposed project.

Response:

Please refer to Master Responses 1 and 4.

50B-8

Comment Summary:

Based on available information from City staff, the commenter suggests that electric vehicle charging at the multi-family units should be provided on 15 percent of the onsite parking spaces; however, the project only proposes four spaces designated for electric vehicle charging. The

Preface and Responses to Comments

Encinitas pass the bond issue needed? Where will a neighborhood playground be located? Peace-meal development, especially when forced by state law, is self-defeating and ignorant. Piraeus Point offends Policy 2.1.3 and Policy 2.3 as well as Policy 2.10 in these aspects and must be denied.	50B-5 cont'd
Third, Policy 2.1.4 states the need for a vote to increase density. This refers to the Citizen's Initiative Proposition A, and the weird suspension by the court of a citizen's initiative so that the state could intervene. What would be the result of a new suit? Piraeus Point did not come up for a vote.	50B-6
Fourth, Policies 6.6 and 2.1.2 lay out the need of the city to be sure new development preserves the character and safety of existing residential neighborhoods, preventing the urbanization of our small town character. Situated as it is at the Gateway of our city, this development advertises urbanization. As a multiple-residence set of rectangular buildings, it does not fit the neighborhood. This developer should be directed to land fronting El Camino Real or 101, not Piraeus. Those areas are more suited to dense development which should be denied in this space. Will the city help negotiate a property trade? The city does own vacant property. Perhaps the city could persuade the state that failed and empty businesses or shopping centers could be offered in a trade?	50B-7
Finally, according to the Staff Meeting Notes of October 13 (page 5), San Electric Vehicle charging at multi-family dwellings is to be provided on 15 percent of the parking spaces. This appears to include all spaces but the development offers only four. Is this a result of a waiver or concession? Why only four spaces?	50B-8
Again, thank you for this opportunity to comment. We have a balanced and knowledgeable Planning Commission. We admire your expertise and diligence and support you in your effort to maintain the policies and goals of the city.	50B-9
Sincerely, Dolores Welty 2076 Sheridan Road Encinitas, CA 92024 760-942-9897	

commenter asks for the reason the project is only providing these four spaces.

Response:

Refer to Response 50A-25 above.

50B-9

Comment Summary:

The commenter thanks the City for the opportunity to provide comments and thanks the Planning Commission in its efforts to maintain the City's goals and policies.

Response:

This comment is made in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

The Famous.....Nick Koutoufidis
Development Services Department
505 South Vulcan Ave. Encinitas, CA 92024
nkoutoufidis@encinitasca.gov
760.633.2692

Feb 4, 2023

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Dear City of Encinitas,

It was with happiness that I saw that Encinitas is finally building new housing. Its much needed in our City and State. I write here to comment on this local housing plan referenced above.

The Passage of Time:

The units proposed are very unfriendly to the disabled and the elderly. All units sold will have older people visiting relatives, grandparents, etc. The owners of these units additionally will age with time. Yes, the 35 year old that buys this unit will age to age 65 in 30 years. Thus, these 3 level units are not friendly for housing for all Californians.

Additionally if a vision that this is for younger people, disabilities develop over time. The Council for disability Awareness states that "Just over 1 in 4 of today's 20 year-olds will become disabled before they retire.

"Accidents are NOT usually the culprit. Back injuries, cancer, heart disease and other illnesses cause the majority of long-term absences"

Not Ready for Today:

My son is in a wheelchair and is interested in obtaining one of these units in our neighborhood. This letter to confirm notice that a disabled individual is interested in this very close housing and to request accommodations for housing construction and parking.

51-1

51-2

51-3

51 Richard Weston

51-1

Comment Summary:

The commenter indicates that he is pleased that the City is building much needed new housing.

Response:

This comment is introductory and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

51-2

Comment Summary:

The commenter asserts that the project as proposed is not supportive of disabled and elderly individuals, particularly because the project proposes three-story buildings. The commenter indicates that the project should accommodate such individuals, as the owners of the units will age and potentially develop disabilities over time.

Response:

The project has been designed in accordance with applicable American Disability Act, California Building Code, and local design requirements. The comments do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

51-3

Comment Summary:

The commenter informs the City that their son is disabled and desires to reside in one of the proposed units. The commenter requests accommodations for housing construction and parking.

Not enough housing Units:

This project does not create enough housing for the area construction is proposed. It packs tiny little vertical homes in a small area. Better would be to create a 3 story condo complex with underground parking. More units would be accommodated and more friendly to the elderly and disabled. Parking is critical as there is no local accommodation available outside of this project borders.

Parking

This is a critical deficiency. There is no on street parking available on Piraeus and Plato. The parking for the evitable overflow will clog local streets. This will cause a lot of foot traffic on Plato with safety implications as there is no sidewalks. Its already difficult to park on the local streets when residents above on Cauldor have parties. Its also difficult to see how garbage trucks will navigate the parking mess with garbage cans out on garbage days.

Parking for disabled at this project need to be Van Accessible. My son has a wheelchair van and I saw no disabled van parking for him or his friends to visit.

An underground parking garage should be required for this project.

Safety

The project does not have a safe way for children to go to the local school. Also because of parking limitations most visitors will have to walk up and down plato to parking. I have walked up Plato may times on local hikes/walks. Its dangerous as there are no sidewalks. Parents dropping off children at school speed up and down Plato. A sidewalk on the South side of the street needs to be constructed for walking and a lane constructed for ebikes that kids use now.

Failure to consider this safety issue I believe will results in 1-2 deaths per decade and 5-10 injuries of children as they try to go to school at Capri.

Additionally, people visiting will attempt to park in any area available. Like Olympic park it will be an emergency as people illegally park and create safety hazards.

51-4

51-5

51-6

Response:

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

51-4

Comment Summary:

The commenter feels that the proposed project would not provide enough housing units and suggests developing a three-story condo complex with underground parking instead. The commenter expresses that doing so would be more accommodating for disabled and elderly individuals and would provide sufficient parking onsite as local parking cannot be accommodated offsite under current conditions.

Response:

The City's Housing Element Update identifies the project site as having a minimum density of 25 DU/acre. Residential development of the site would require a minimum of 134 units (5.26 net acres x 25 minimum DU/acre = 134 units). Therefore, the project as proposed (149 units) is considered to be consistent with applicable density allowances.

The comments provided do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

51-5

Comment Summary:

The commenter asserts that the project does not propose enough onsite parking which would cause residents to park offsite and congest local streets. The commenter indicates that this would result in an increased number of people walking on Plato Place, which presents safety concerns. The commenter expresses that onsite disabled parking should be van-accessible and feels that the project should provide underground parking.

Response:

Please refer to Master Response 1. All onsite parking would be in conformance with applicable American Disability Act requirements

Not enough housing Units:

This project does not create enough housing for the area construction is proposed. It packs tiny little vertical homes in a small area. Better would be to create a 3 story condo complex with underground parking. More units would be accommodated and more friendly to the elderly and disabled. Parking is critical as there is no local accommodation available outside of this project borders.

Parking

This is a critical deficiency. There is no on street parking available on Piraeus and Plato. The parking for the evitable overflow will clog local streets. This will cause a lot of foot traffic on Plato with safety implications as there is no sidewalks. Its already difficult to park on the local streets when residents above on Cauldor have parties. Its also difficult to see how garbage trucks will navigate the parking mess with garbage cans out on garbage days.

Parking for disabled at this project need to be Van Accessible. My son has a wheelchair van and I saw no disabled van parking for him or his friends to visit.

An underground parking garage should be required for this project.

Safety

The project does not have a safe way for children to go to the local school. Also because of parking limitations most visitors will have to walk up and down plato to parking. I have walked up Plato may times on local hikes/walks. Its dangerous as there are no sidewalks. Parents dropping off children at school speed up and down Plato. A sidewalk on the South side of the street needs to be constructed for walking and a lane constructed for ebikes that kids use now.

Failure to consider this safety issue I believe will results in 1-2 deaths per decade and 5-10 injuries of children as they try to go to school at Capri.

Additionally, people visiting will attempt to park in any area available. Like Olympic park it will be an emergency as people illegally park and create safety hazards.

51-4

51-5

51-6

and applicable parking regulations to ensure that adequate parking is provided onsite for all residents and visitors. Accommodation for disabled individuals is not considered an environmental concern pursuant to the provisions of CEQA; however, such comments will be considered by the City in determining whether to approve the proposed project.

51-6

Comment Summary:

The commenter expresses safety concerns for children walking to the local school due to the lack of sidewalks along Plato Place and vehicles that speed along the road. The commenter feels that a sidewalk and an e-bike lane should be constructed along the south side of Plato Place. The commenter also asserts that guests of Piraeus Point residents will illegally park on local streets and create safety hazards.

Response:

Please refer to Master Responses 1 and 2.

Refer also to Master Response 1 pertaining to parking. Adequate parking will be provided onsite to accommodate future residents and their guests. Parking spillover onto local streets or illegal parking, as well as the potential for adverse effects on public safety to occur as a result, is speculative.

Equity of Low Income

The selection of low income housing should be conducted by the Encinitas Housing Authority. Expectations of Californians is that low income housing is that the ownership of these new units will go to low income individuals. History has shown that Encinitas has a history of allowing corporations to purchase low income housing. This should not be allowed. The Encinitas Housing Authority should select the low income housing recipients and give an annual report on its progress.

Additionally there is no section 8 housing set aside with this project. In order for all Californians to access housing Section 8 should have a set aside for section 8. Recent reports have over 1000 people on the section 8 housing list for Encinitas. Each project in California should have a section 8 set aside.

Traffic

Piraeus has traffic limitations due to the intersection at Leucadia Blvd. It only allows for northbound I5 Access. All southbound traffic has to go through the La Costa Intersection This intersection will be overwhelmed with traffic with the new project. Its already busy with the Park and Ride. Its really busy when the Goodwill station is in operation on weekends as well. The goodwill station should be closed contingent if this project is approved.

Very few cars can go through and make a left if the park and ride light is activated.

A dedicated right hand turn lane needs to be installed for this project.

Summary:

The project proposed is a good sign Encinitas is making progress. This specific project has severe issues with parking, traffic, disabled accommodations, and safety. There is no accommodation for disabled and elderly. The passage of time ensures this will be an issue in future. Parking is a critical issue. Traffic is a critical issue.

Regards,


Richard Weston
1751 Noma Lane
Encinitas, CA 92024

51-7

51-8

51-9

51-7

Comment Summary:

The commenter asserts that the Encinitas Housing Authority should be given authority to select low-income housing recipients and believes that Section 8 Housing should be set aside with the proposed project.

Response:

Environmental effects analyzed under CEQA must be related to a physical change (CEQA Guidelines, Section 15358(b)). Provision of the very low income housing units proposed with the project, as well as how future residents qualify for such housing, would occur in accordance with applicable housing laws regulating such uses. The commenter does not raise an environmental issue relative to the provisions of CEQA, nor question the adequacy of the EIR. No further response is required.

51-8

Comment Summary:

The commenter expresses concerns regarding existing traffic circulation along Piraeus Street and how the project would worsen traffic conditions at the La Costa Avenue intersection. The commenter feels that the project should implement a right-hand turn lane at the intersection.

Response:

Please refer to Master Response 1.

51-9

Comment Summary:

The commenter asserts that the proposed project indicates progress within the City. The commenter indicates that the project as proposed presents issues regarding parking, traffic, accommodations of the disabled and elderly, and public safety.

Response:

This comment is made in summary and identifies the commenter's issues of concern noted previously. Refer to Responses 51-2 to 51-8.

To: Nick Koutoufidis

Development Services Department

505 South Vulcan Ave. Encinitas, CA 92024

nkoutoufidis@encinitasca.gov

Re: Piraeus Point

Case Numbers: MULTI-005158-2022; CDP-005161-2022; DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No. 2022050516)

Nick,

The Environmental Impact Report clearly shows the Piraeus Point project will increase traffic congestion in our Leucadia neighborhood. It's documented, and you can't deny the problem, or pretend it's not important. If you approve this 149 unit development, our friends and family will suffer. Forever...

And for what good? This development has never been about low-income housing. Builders can construct the same number of inexpensive homes as this plan without the other 134 full-price units. This project is just about creating windfall for people that don't live here. They don't drive our streets, send their kids to our schools, or vote in our city elections.. They get fantastically wealthy, while we pay the consequences. It's not right. There's no measure that makes this project a benefit to the community.

I beg of you, as a representative of the people of Encinitas, don't approve Piraeus Point.

Sincerely,

William H Wickett III

Bill Wickett

1584 Caudor Street

Encinitas, CA 92024

52-1

52-2

52 William H. Wickett III

52-1

Comment Summary:

The commenter feels that the increased traffic congestion associated with the project would adversely affect the existing community. The commenter asserts that the intent of the project is to allow its residents to become wealthier, while existing residences of the surrounding community endure consequences.

Response:

Please refer to Master Response 1.

52-2

Comment Summary:

The commenter urges the City not to approve the proposed project.

Response:

This comment is made in summary and does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

From: mawickett (mawickett@aol.com)
To: nkoutoufidis@encinitasca.gov
Date: Monday, February 6, 2023, 03:35 PM PST

Dear Mr. Koutoufidis,

I am opposed to the Piraeus Point project as it currently exists for many reasons.

1. There is little infrastructure to support a large project such as this one. Public transportation is over a mile away. Many folks living in low income housing need public transportation to get essentials such as food and medications. There are no food sources such as grocery stores in the area. There are no pharmacies. 53-1
2. The walk for school children to Capri Elementary remains dangerous even with your promises for solutions. Capri Elementary is overcrowded. The bus stop for the middle school requires a moderate walk along narrow windy streets. 53-2
3. Traffic is a huge problem and it appears to have few or no solutions other than to greatly increase the volume through narrow windy streets. 53-3
4. Parking is a huge problem and should in no way flow onto surrounding neighborhood streets. 53-4
5. HOA fees-will the low income families have to pay HOA fees? This is something they will not be able to afford. 53-5

I have many additional concerns, but these are the most important to me. I do believe that the property will eventually be developed, but it would be so much better if 50 units or less were built on the site. I know, the profits will decline, but many of the problems raised will be at least partially resolved. 53-6

The safety and well-being of the current neighborhood must be taken into account, particularly where children are involved. Increasing traffic is a danger to all, including the residents of Piraeus Place. 53-7

As a last point, all waivers and incentives must be denied before any development of any size or type takes place on the property. 53-8

Regards,
Maryann Wickett
1584 Caudor St.
Encinitas, CA 92024

53 Maryann Wickett

53-1

Comment Summary:

The commenter expresses opposition to the proposed project and states concern over the lack of public transportation in the vicinity of the project site which is needed to accommodate low-income residents, as well as the lack of grocery stores and pharmacies in the area.

Response:

The information provided does not raise environmental concerns pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

53-2

Comment Summary:

The commenter expresses concern regarding the safety of children walking to Capri Elementary School and states that the school is overcrowded.

Response:

Please refer to Master Responses 1 and 2.

53-3

Comment Summary:

The commenter asserts that project-generated traffic is a substantial concern with few or no solutions. The commenter states that the project would greatly increase traffic volumes on area streets which are narrow and windy.

Response:

Please refer to Master Response 1.

53-4

Comment Summary:

The commenter expresses that parking is an issue that should not impact the nearby roads.

From: mawickett (mawickett@aol.com)
To: nkoutoufidis@encinitasca.gov
Date: Monday, February 6, 2023, 03:35 PM PST

Dear Mr. Koutoufidis,

I am opposed to the Piraeus Point project as it currently exists for many reasons.

1. There is little infrastructure to support a large project such as this one. Public transportation is over a mile away. Many folks living in low income housing need public transportation to get essentials such as food and medications. There are no food sources such as grocery stores in the area. There are no pharmacies.
2. The walk for school children to Capri Elementary remains dangerous even with your promises for solutions. Capri Elementary is overcrowded. The bus stop for the middle school requires a moderate walk along narrow windy streets.
3. Traffic is a huge problem and it appears to have few or no solutions other than to greatly increase the volume through narrow windy streets.
4. Parking is a huge problem and should in no way flow onto surrounding neighborhood streets.
5. HOA fees-will the low income families have to pay HOA fees? This is something they will not be able to afford.

I have many additional concerns, but these are the most important to me. I do believe that the property will eventually be developed, but it would be so much better if 50 units or less were built on the site. I know, the profits will decline, but many of the problems raised will be at least partially resolved.

The safety and well-being of the current neighborhood must be taken into account, particularly where children are involved. Increasing traffic is a danger to all, including the residents of Piraeus Place.

As a last point, all waivers and incentives must be denied before any development of any size or type takes place on the property.

Regards,
Maryann Wickett
1584 Caudor St.
Encinitas, CA 92024

Response:

Please refer to Master Response 1.

53-5

Comment Summary:

The commenter feels that low-income residents will not be able to afford HOA fees, if they are required to pay these fees.

Response:

The comments provided do not raise an issue of concern relative to CEQA or question the adequacy of the EIR. No further response is required.

53-6

Comment Summary:

The commenter asserts that project-generated traffic poses potential safety concerns for future residents of the project and for existing residents of the surrounding community. The commenter states that the safety and well-being of the existing community, particularly children, must be considered.

Response:

Please refer to Master Response 1.

53-7

Comment Summary:

The commenter asserts that any waivers or incentives associated with development of the project site should be denied by the City.

Response:

The comments do not raise environmental concerns pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

YIMBY Law

57 Post St, Suite 908
San Francisco, CA 94104
hello@yimbylaw.org



2/24/2023

Encinitas Planning Commission
505 South Vulcan Avenue
Encinitas, CA 92024

dgay@encinitasca.gov
Via Email

Re: Piraeus Point

Dear Encinitas Planning Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Planning Commission has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

Piraeus Point is planned to include 149 townhomes and nearly 5 acres of preserved open space. The project site is comprised of two parcels totaling 11.8-acres. This vacant lot is located at the northeast corner of Piraeus Street and Plato Place in the Leucadia community of Encinitas.

The development footprint is limited to the southern parcel which is one of 16 sites included in the City of Encinitas Housing Element Update (adopted by the City of Encinitas on March 13, 2019). The Residential 30 Overlay (R30 OL) was added to a portion of the project site as part of the Housing Element Update. This overlay allows for 25-30 homes per acre, which equates to up to 206 homes.

The development footprint is largely comprised of previously disturbed land in order to minimize the project's environmental impacts. In addition to the R-30 Overlay, the project site is designated as RR1 (Rural Residential; 0.51-1.0 du/ac), and RR2 (Rural Residential; 1.01-2.0 du/ac) by the City's General Plan and zoning ordinance.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety. With the requested concessions and/or waivers available under State Density Bonus Law, this project is zoning and general plan compliant.

Given that the above captioned proposal is zoning compliant and general plan compliant, your

54-1

54-2

54-3

Comments Received After Public Review

54 YIMBY Law

54-1

Comment Summary:

The comment summarizes the mission of the non-profit corporation, indicating that the organization is aimed at increasing the accessibility and affordability of housing in California.

Response:

This comment is introductory and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

54-2

Comment Summary:

The commenter summarizes the project components, the existing setting, and location.

Response:

This comment does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

54-3

Comment Summary:

This comment summarizes the provisions of California Government Code §65589.5 (Housing Accountability Act). The commenter indicates that the proposed project is compliant with the City's General Plan and with existing zoning and states that the City must approve the development application or make findings demonstrating that the proposed project would have an adverse impact on public health and safety, pursuant to the Housing Accountability Act.

local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Trauss
Executive Director
YIMBY Law

↑ 54-3,
cont'd
54-4

Response:

The City acknowledges the comments provided and will consider such information in evaluating whether to approve the project. The comments provided do not raise an environmental concern pursuant to the provisions of CEQA, nor do they address the adequacy of the EIR. No further response is required.

54-4

Comment Summary:

This comment is in summary and identifies the commenter's role in YIMBY Law. The commenter indicates she is a resident of California and is affected by the shortage of housing in the State.

Response:

This comment is in summary and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.

YIMBY Law, 57 Post Street, Suite 908, San Francisco, CA 94104

Nick Koutoufidis,
Development Service Department
City of Encinitas, 505 N. Vulcan Ave.
Encinitas, CA 92024
nkoutoufidis@encinitasca.gov

Piraeus Point Townhomes. CASE NUMBER: MULTI-005158-2022; CDP-005161-2022;
DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No.
2022050516)

My name is Crystal Wells. I am a homeowner at 1735 Caudor St. in Leucadia, and a lifetime resident of Encinitas. I am expressing my concern over the proposed Piraeus Point Townhomes project. There are many issues about the location and size of the project that I would like to point out. This proposed development is a horrible decision. More options and locations are out there.

55-1

Fundamentally, the project is not a good fit for the neighborhood. I understand that the developer has asked for incentives and waiver regarding his inability to afford the required underground utilities. If this is true, this is a glaring 'red flag'. The developer has asked to cut more deeply into the bluffs. If that is true, this is another 'red flag' that strongly indicates that the entire development is too large for the area. Access and egress throughout our neighborhoods winding and hilly roads, including many busy and somewhat blind intersections, is already unsafe. Should there be a fast-spreading structure or brush fire throughout our community, I am not sure how people will escape down Plato and Piraeus and the very few other exits onto busy roads. Gridlock would surely be a huge concern and could cost lives. It goes without saying wildlife, flora, and the unnatural erosion of the land will suffer from this project. The EIR should address the impact this project would contribute to impairing a safe evacuation plan.

55-2

Leadership must do better. The parcel was poorly chosen and this EIR confirms it, noting so many restrictions requiring waivers. Consider the projects former city leaders allowed and look at how poorly they now affect us all. In many cases, they thought they were making good decisions, but they were wrong. Today you must error on the side of caution when you propose new builds. As leaders, you must be able to say no to aggressive developers. If you are required to build more homes, offer citizens better solutions, more low income units per development, and smaller developments that do not negatively impact our well-established residential communities and choke our traffic to the point-of-madness.

55-3

I wholeheartedly oppose this project and request that leadership disapprove this unsafe, unreasonable and unwanted project immediately.

55-4



55 Crystal Wells

55-1

Comment Summary:

The commenter indicates that she is a homeowner and resident of Leucadia and states opposition to the project due to its proposed location and size.

Response:

This comment is introductory and does not raise an issue of environmental concern relative to CEQA. No further response is required. refer to subsequent comments provided.

55-2

Comment Summary:

The commenter asserts that the project as proposed is not a good fit for the neighborhood. The commenter feels that the proposed waivers and incentives are “red flags,” and references the applicant’s request to not underground the utilities and to exceed allowable slope encroachment. The commenter also expresses concern regarding increased neighborhood traffic using the narrow roadways and project impacts relative to wildlife, flora, and unnatural erosion of the affected lands. The commenter questions the adequacy of local roads to handle increased traffic during emergency evacuation or a wildfire event and requests that the EIR address the potential for the project to impair a safe evacuation plan.

Response:

Please refer to Master Responses 1 and 4. Potential impacts of the proposed project relative to biological resources and the potential for erosion are analyzed in EIR Section 3.3, Biological Resources, and Section 3.6, Geology and Soils. Impacts to biological resources would be mitigated to a level of less than significant. No potential adverse effects relative to geology and soils were identified for the project, and impacts would be less than significant.

Refer to Response 7-1 regarding emergency evacuation. As discussed in EIR Section 3.7, Hazards and Hazardous Materials, activities associated

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Piraeus Point Townhomes. CASE NUMBER: MULTI-005158-2022; CDP-005161-2022;
DR-005160-2022; SUB-005159-2022; and SUB-005391-2022 (CA State Clearinghouse No.
2022050516)

My name is Crystal Wells. I am a homeowner at 1735 Caudor St. in Leucadia, and a lifetime resident of Encinitas. I am expressing my concern over the proposed Piraeus Point Townhomes project. There are many issues about the location and size of the project that I would like to point out. This proposed development is a horrible decision. More options and locations are out there.

55-1

Fundamentally, the project is not a good fit for the neighborhood. I understand that the developer has asked for incentives and waiver regarding his inability to afford the required underground utilities. If this is true, this is a glaring red flag. The developer has asked to cut more deeply into the bluffs. If that is true, this is another red flag; that strongly indicates that the entire development is too large for the area. Access and egress throughout our neighborhoods winding and hilly roads, including many busy and somewhat blind intersections, is already unsafe. Should there be a fast-spreading structure or brush fire throughout our community, I am not sure how people will escape down Plato and Piraeus and the very few other exits onto busy roads. Gridlock would surely be a huge concern and could cost lives. It goes without saying wildlife, flora, and the unnatural erosion of the land will suffer from this project. The EIR should address the impact this project would contribute to impairing a safe evacuation plan.

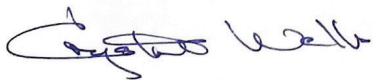
55-2

Leadership must do better. The parcel was poorly chosen and this EIR confirms it, noting so many restrictions requiring waivers. Consider the projects former city leaders allowed and look at how poorly they now affect us all. In many cases, they thought they were making good decisions, but they were wrong. Today you must error on the side of caution when you propose new builds. As leaders, you must be able to say no to aggressive developers. If you are required to build more homes, offer citizens better solutions, more low income units per development, and smaller developments that do not negatively impact our well-established residential communities and choke our traffic to the point-of-madness.

55-3

I wholeheartedly oppose this project and request that leadership disapprove this unsafe, unreasonable and unwanted project immediately.

55-4



with the project are not anticipated to impede the free movement of emergency response vehicles, as well as other vehicles, along local roadways. A Fire Protection Plan was prepared by FIREWISE 2000, Inc. (FIREWISE 2022; EIR **Appendix O**), for the project. Based on evaluation of the project as designed, the project would not substantially impair an adopted emergency response plan or emergency evacuation plan and impacts were determined to be less than significant. Refer also to EIR Section 3.15, Wildfire, and EIR Appendix G, Fire Protection Plan.

55-3

Comment Summary:

The commenter feels that the project site was poorly chosen and asserts that the project has many restrictions requiring waivers. The commenter believes that the City should build residential developments that would not adversely impact existing residential communities and cause increased traffic issues.

Response:

Please refer to Master Responses 1 and 4. As indicated in EIR Section 2.1, Project Overview and Location, the project would utilize State Density Bonus Law. Density Bonus Law allows projects to utilize up to three concessions and unlimited waivers. The project proposes to use only one incentive and one waiver.

This comment does not raise specific environmental concerns pursuant to the provisions of CEQA. No further response is required.

55-4

Comment Summary:

The commenter expresses opposition to the proposed project and believes it to be unsafe, unreasonable, and unwanted.

Response:

This comment is a conclusion and does not raise an environmental concern pursuant to the provisions of CEQA, nor does it address the adequacy of the EIR. No further response is required.